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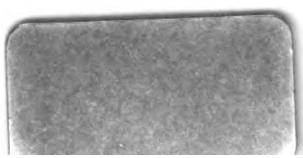
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THE
Statutes at Large,
FROM THE
Eighth Year of King WILLIAM III.
TO THE
Second Year of Queen ANNE.

BY
DANBY PICKERING, of GRAY'S INN, Esq;

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THE UNIVERSITY OF CHICAGO

THE
Statutes at Large,

FROM THE
Eighth Year of King WILLIAM III.

TO THE
Second Year of Queen ANNE.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. X.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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CUM PRIVILEGIO.

THE
UNITED STATES

OFFICE OF THE SECRETARY OF THE INTERIOR

57,810

ACREAGE

IN THE STATE OF TEXAS

SECTION

OF THE

LANDS

OF THE UNITED STATES

AND

THE

DEPARTMENT OF THE INTERIOR

WASHINGTON, D. C.

TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print, from the Eighth Year of King WILLIAM III. to the Second Year of Queen ANNE.

Anno 8 W. 3.

Cap. 1. **F**OR the importing and coining guineas and half guineas.

Cap. 2. For the further remedying the ill state of the coin of the kingdom.

Cap. 3. To explain that part of an act passed the last session of parliament, for laying several duties on low wines, and spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise, which relates to the payment of tallies, and the interest thereof.

Cap. 4. To attain Sir *John Fenwick*, bart. of high treason.

Cap. 5. To attain such of the persons concerned in the late horrid conspiracy to assassinate his Majesty's royal person, who are fled from justice, unless they render themselves to justice, and for continuing several others of the said conspirators in custody.

Cap. 6. For granting an aid to his Majesty, as well by a land tax, as by several subsidies and other duties, payable for one year.

Anno 8 & 9 W. 3.

Cap. 7. For granting to his Majesty several duties upon paper, vellum, and parchment, to encourage the bringing of plate and hammered money into the mints to be coined.
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Cap. 8. For encouraging the bringing in of wrought plate to be coined.

Cap. 9. To restore the market at *Blackwell Hall* to the clothiers, and for regulating the factors there.

Cap. 10. To enable the returns of juries as formerly, until the first day of *November*, one thousand six hundred ninety seven.

Cap. 11. For the better preventing frivolous and vexatious suits.

Cap. 12. For continuing several additional impositions upon several goods and merchandises.

Cap. 13. For continuing several former acts for punishing officers and soldiers, who shall mutiny or desert his Majesty's service, and for punishing false musters, and for payment of quarters, for one year longer.

Cap. 14. For completing the building and adorning the cathedral church of *St. Paul, London*, and for repairing the collegiate church of *St. Peter, Westminster*.

Cap. 15. For repairing the highway between *Ryegate* in the county of *Surrey*, and *Crawley* in the county of *Sussex*.

Cap. 16. For enlarging common highways.

Cap. 17. For paving and regulating the *Hay-market* in the parishes of *St. Martin in the Fields*, and *St. James*, within the liberty of *Westminster*.

Cap. 18. For relief of creditors, by making

A TABLE of the STATUTES.

- making compositions with their debtors, in case two thirds in number and value do agree.
- Cap. 19. For repealing a clause in a former act relating to party guiles, and for the better preventing frauds and abuses of brewers, and others, chargeable with the duties of excise.
- Cap. 20. For making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of *England*, and for raising the publick credit.
- Cap. 21. For laying a duty upon leather, for the term of three years, and making other provision for answering the deficiencies as well of the late duties upon coals and culm, as for paying the annuities upon the lottery, and for lives, charged on the tunnage of ships, and the duties upon salt.
- Cap. 22. For granting to his Majesty certain duties upon malt, mum, sweets, cyder, and perry, as well towards carrying on the war against *France*, as for the necessary expence of his Majesty's household and other occasions.
- Cap. 23. To enforce the act for the increase and encouragement of seamen.
- Cap. 24. For granting to his Majesty a further subsidy of tunnage and poundage upon merchandizes imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against *France*.
- Cap. 25. For licensing hawkers and pedlars, for a further provision for payment of the interest of the transport debt for the reducing of *Ireland*.
- Cap. 26. For the better preventing the counterfeiting the current coin of this kingdom.
- Cap. 27. For the more effectual relief of creditors in cases of escapes, and for preventing abuses in prisons, and pretended privileged places.
- Cap. 28. For the better observation of the course anciently used in the receipt of Exchequer.
- Cap. 29. For the repair of the piers of *Bridlington*, alias *Burlington*, in the east riding of the county of *York*.
- Cap. 30. For supplying some defects in the laws for the relief of the poor of this kingdom.
- Cap. 31. For the easier obtaining partitions of lands in coparcenary, joint tenancy, and tenancy in common.
- Cap. 32. To restrain the number and ill practice of brokers and stock jobbers.
- Cap. 33. To make perpetual and more effectual an act intituled, *An act to prevent delays at the quarter sessions of the peace*.
- Cap. 34. For lessening the duty upon tin and pewter exported, and granting an equivalent for the same, by a duty upon drugs.
- Cap. 35. For raising the militia for the year one thousand six hundred ninety seven, although the month's pay formerly advanced be not repaid.
- Cap. 36. For the further encouragement of the manufacture of lustrings and alamodes within this realm, and for the better preventing the importation of the same.
- Cap. 37. For explaining and enforcing the act for paving and cleaning the streets within the cities of *London* and *Westminster*, and borough of *Southwark*, and weekly bills of mortality, and streets adjoining thereunto; and for widening the street at the south end of *London Bridge*.

Private Acts.

Anno 8 W. 3.

1. An act for naturalizing *Frederic Christiaen de Rhode* called lord *Aghram*, and others.
2. An act for the settlement of the manor

manor of *Treyagoe* in the county of *Hereford*, and other lands, late of *Crompton Minors*, esq; deceased; and for raising and increasing of the portion of *Theodosia Minors*, the daughter of the said *Crompton*, she being an infant of the age of seventeen years.

3. An act for vesting the manor of *Holm*, alias *Eastholm*, and *Swannage* in the county of *Dorset*; part of the estate of Sir *John Hanham*, baronet, in trustees, to be sold for discharging a mortgage thereupon and upon the residue of the said Sir *John Hanham's* estate; and for payment of his other debts.
4. An act for enabling *Oliver Neve*, of *Great Witchingham* in the county of *Norfolk*, esq; to sell two houses in *London*, and for vesting other lands in the said county, of greater value, to the same uses.

Anno 8 & 9 W. 3.

5. An act for enabling *James* duke of *Ormond* to raise money by sale of woods, and make leases for lives, renewable for ever, for payment of debts, and for encouraging *English* plantations in *Ireland*. And for *Charles* lord *Weston*, earl of *Arran* in the kingdom of *Ireland*, to make leases of his estate in the said kingdom.
6. An act for the exchange of certain advowsons between the bishop of *London* and the earl of *Nottingham*.
7. An act for the speedy satisfying the debts of *Francis* late lord *Holles*, deceased.
8. An act to enable Sir *Ralph Ashton*, baronet, to supply an omission of limitation intended in his marriage settlement, for the benefit of his issue male.
9. An act for the sale of the estate of *Francis Griffith*, late of *London*, scrivener, deceased, for payment of his debts.
10. An act for settling the estate of

Mary Savile, an infant upon her marriage.

11. An act to enable the sale of lands, late of *Jeffery Stockly*, in the county of *Chester*, deceased, for payment of debts, and for making provision for *Mary* his daughter.
12. An act for vesting certain messuages, lands, and tenements, late of *Charles Milson*, deceased, in trustees, to sell for payment of debts and legacies, and lay out the surplus money in a purchase of lands for the use of *Edward Milson*, and his heirs, according to the will of the said *Charles Milson*.
13. An act to enable *Nicholas Goodwin* the elder, and *Nicholas Goodwin* the younger, to sell the manor of *Winslow* in the county of *Bucks*, and with the monies arising thereby, and other monies to be advanced by the said *Nicholas Goodwin* the elder, to purchase lands of a greater yearly value, to be settled to the same uses, as the said manor is now settled.
14. An act for the vesting of certain lands of *William Milward*, in the county of *Hereford*, clerk, in trustees, for payment of debts.
15. An act for vesting the estate of *Edward Kerrey* esq; lying in *Benouffon* in the county of *Salop*, in trustees, to discharge incumbrances thereon, and to raise portions for younger children; and for confirming the marriage settlement of the said *Edward Kerrey*.
16. An act for vesting part of the estate of *Thomas Panton*, esq; in trustees, to be sold for payment of debts, and securing a jointure to *Mary* his now wife.
17. An act for naturalizing of *John Keyser*, and others.
18. An act to enable *Edward Leigh*, esq; and *Jane* his wife, and their trustees, to sell the manors of *Waxham* and *Horsely*, and certain lands and tenements in the county of *Norfolk*.

A TABLE of the STATUTES.

- Norfolk*, and to purchase and settle other lands to the same uses.
19. An act for vesting and settling certain estates of *William James*, gent. in and upon trustees to be sold for the payment of debts, and making provision for himself, his wife, and their children.
 20. An act for importing several goods and merchandises laden in *Turkey*, on board the ships called the *Success*, and *Dragon* galley paying customs as if imported by *English* ships.
 21. An act to enable *William Fallows*, an infant, to sell an estate in the county of *Chester*, to pay debts secured by mortgages.
 22. An act to supply a defect in an act for enabling *Oliver Neve*, esq; to sell two houses in *London*, and for settling lands in the county of *Norfolk*, of greater value, to the same uses.
 23. An act explaining a former act of parliament, intituled, *An act for enabling trustees to sell part of the estate of Edmund Warner, deceased, for payment of his debts, and for preserving the rest for the benefit of his heir.*
 24. An act for vesting part of the estate of *Roger Crowle*, esq; deceased, in trustees, for raising portions for his younger children, in regard he (being a lunatick) could not execute a power in his marriage settlement for that purpose.
 25. An act to vest certain lands, late of *Samuel Trotman*, esq; deceased, lying in *Barking*, *Eastham*, *Westham*, and *Woolwich*, in the counties of *Kent* and *Essex*, in trustees, to be sold, and to settle other lands in lieu thereof.
 26. An act for the speedy payment of the debts of *Sir William Thompson*, knight, serjeant at law.
 27. An act for annulling the marriage of *Hannah Knight*, an infant, and to direct the guardianship of the said infant.
 28. An act for the enabling the sale of the manor of *Rowling* in *Kent*, which by mistake was by general words comprised in the marriage settlement of *William Hammond*, gent. contrary to the meaning of the parties.

Anno 9 W. 3.

- Cap. 1. Against corresponding with the late King *James* and his adherents.
- Cap. 2. To prevent the further currency of any hammered silver coin of this kingdom, and for recoining such as is now in being; and for the making out new Exchequer bills, where the former bills are or shall be filled up by indorsements.
- Cap. 3. To give further time for the administering of oaths relating to tallies and orders, and for the easier dispatch of the publick business in the Exchequer, and in the bank of *England*.
- Cap. 4. For continuing the imprisonment of *Counter*, and others, for the late horrid conspiracy to assassinate the person of his sacred Majesty.

Anno 9 & 10 W. 3.

- Cap. 5. For satisfying and discharging the arrears of several annuities which incurred between the seventeenth day of *May* one thousand six hundred ninety six, and the seventeenth day of *May*, one thousand six hundred ninety seven.
- Cap. 6. That all retailers of salt shall sell by weight.
- Cap. 7. To prevent the throwing or firing of squibs, serpents, and other fire-works.
- Cap. 8. For explaining an act made the last session of parliament for granting to his Majesty certain duties upon malt, mum, sweets, cyder, and perry.
- Cap. 9. For rendring the laws more effectual

A TABLE of the STATUTES.

- effectual for preventing the importation of foreign bone-lace, loom-lace, needle-work, point, and cut-work.
- Cap. 10. For granting to his Majesty the sum of one million four hundred eighty four thousand and fifteen pounds, one shilling, eleven pence three farthings, for disbanding forces, paying seamen, and other uses therein mentioned.
- Cap. 11. For explaining an act made the last session of parliament, intituled, *An act for supplying some defects in the laws for the relief of the poor of this kingdom.*
- Cap. 12. For the enlarging, repairing, and preserving the bridge and key of the borough of *Bridgewater*, in the county of *Somerset*.
- Cap. 13. For granting to his Majesty several duties upon coals and culm.
- Cap. 14. For continuing the duties upon coffee, tea, and chocolate, and spices, towards satisfaction of the debt due for transport service for the reduction of *Ireland*.
- Cap. 15. For determining differences by arbitration.
- Cap. 16. To execute judgments and decrees, saved in a clause in an act of the first year of the reign of King *William* and Queen *Mary*, intituled, *An act for taking away the court holden before the president and council of the marches of Wales.*
- Cap. 17. For the better payment of inland bills of exchange.
- Cap. 18. For repairing the highways from the town of *Birdlipp*, and the top of *Crickley* hill, in the county of *Gloucester*, to the city of *Gloucester*.
- Cap. 19. For cleansing and making navigable the chanel from the *Hithe* at *Colchester*, to *Wivenhoe*.
- Cap. 20. To naturalize the children of such officers and soldiers, and others, the natural born subjects of this realm, who have been born abroad during the war, the parents of such children having been in the service of this government.
- Cap. 21. For the better preventing the counterfeiting, clipping, and other diminishing the coin of this kingdom.
- Cap. 22. To repeal an act made in the nine and thirtieth year of the reign of Queen *Elizabeth*, intituled, *An act to restrain the excessive making of malt*, and to discharge and vacate orders made by justices of peace, by virtue thereof, for restraining malsters from making malt.
- Cap. 23. For granting to his Majesty a further subsidy of tunnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life.
- Cap. 24. For enlarging the time for purchasing certain estates or interests in several annuities therein mentioned.
- Cap. 25. For granting to his Majesty, his heirs and successors, further duties upon stamped vellum, parchment, and paper.
- Cap. 26. To settle the trade to *Africa*.
- Cap. 27. For licensing hawkers and pedlars, for a further provision of interest for the transport debt for reducing *Ireland*.
- Cap. 28. For the exporting watches, sword hilts, and other manufactures of silver.
- Cap. 29. To repeal the act made in the last session of parliament, intituled, *An act for relief of creditors, by making composition with their debtors, in case two thirds in number and value do agree.*
- Cap. 30. For increasing his Majesty's duties upon lustrings and alamodes.
- Cap. 31. For raising the militia for the year one thousand six hundred ninety eight, although the month's pay formerly advanced be not repaid.

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- Cap. 32. For the more effectual suppressing of blasphemy and profaneness.
- Cap. 33. To stop the coining of farthings and halfpence for one year.
- Cap. 34. For the more orderly payment of the lottery tickets, now payable out of certain additional duties of excise, and of other annuities lately payable out of the tunnage duties.
- Cap. 35. For preventing frauds and abuses in the charging, collecting, and paying the duties upon marriages, births, burials, batchelors, and widowers.
- Cap. 36. For the increase and preservation of timber in the *New Forest* in the county of *Southampton*.
- Cap. 37. For applying to the use of his Majesty's navy and ordnance, the overplus of the money and stores which were provided for the building seven and twenty ships of war.
- Cap. 38. For granting to his Majesty an aid, by a quarterly poll, for one year.
- Cap. 39. For settling and adjusting the proportions of fine silver and silk, for the better making of silver and gold thread, and to prevent the abuses of wire-drawers.
- Cap. 40. For the explanation and better execution of former acts made against transporting of wool, fullers earth, and scouring clay.
- Cap. 41. For the better preventing the imbezilment of his Majesty's stores of war, and preventing cheats, frauds, and abuses in paying seamen's wages.
- Cap. 42. For enlarging the time for registering of ships, pursuant to the act for preventing frauds, and regulating abuses in the plantation trade.
- Cap. 43. For the better encouragement of the royal lustring company, and the more effectual preventing

the fraudulent importation of lustrings and alamodes.

- Cap. 44. For raising a sum, not exceeding two millions, upon a fund for payment of annuities, after the rate of eight pounds *per centum per annum*, and for settling the trade to the *East Indies*.

- Cap. 45. For taking away half the duties imposed on glass wares, and the whole duties lately laid on stone and earthen wares, and tobacco pipes; and for granting (in lieu thereof) new duties upon whale fins, and *Scotch* linen.

Private Acts.

Anno 9 W. 3.

1. An act for vesting in *Sydenham Baker*, gent. an absolute estate of inheritance in fee-simple, in a certain rent, messuages, lands, and hereditaments, in the county of *Devon*, and securing to *John Baker*, gent. and *Henry Baker*, an infant, his son, monies in lieu of their claims thereunto.

Anno 9 & 10 W. 3.

2. An act for enabling *Simon* lord bishop of *Ely*, and his successors, to lease the manor house and demesne lands of *Downham*, in the isle of *Ely*, and for confirming a lease lately thereof made by the said bishop, and for clearing the said bishop, and others, from dilapidations there.
3. An act to enable Sir *Francis Guybon*, and dame *Isabella* his wife, and their trustees, to sell the manor of *Avenalls*, and other lands, in or near *Gunthorpe*, in the county of *Norfolk*, and for settling other lands in lieu thereof.
4. An act for the naturalization of *Gerard Maefacker*, and others.
5. An act to enable *Rebecca Lassells*, widow, to sell copyhold lands and houses in *Ealing* in the county of *Middlesex*.

6. An

A TABLE of the STATUTES.

6. An act for vesting in trustees, to be sold, certain lands of *George Farrington*, esq; lying in the counties of *Middlesex* and *Surrey* (settled upon the marriage of *William Farrington*, his nephew) and with the monies arising thereby for purchasing of other lands in *Lancashire*, where the ancient estate of the family lies, to be settled to the same uses.
7. An act to enable the trustees of *William Knott*, gent. and his wife, to sell a lease of houses in *Breadstreet*, *London*, for payment of debts, and to settle another estate of better value in lieu thereof.
8. An act to enable *Thomas Kinnersey*, esq; an infant, to make a jointure and settlement of his estate.
9. An act for naturalizing *Dudley Vesey*, an infant.
10. An act to enable *John Lewin* to sell certain messuages in *Southwark*, for payment of debts.
11. An act for dissolving the marriage between *Charles* earl of *Macclesfield*, and *Anne* his wife, and to illegitimate the children of the said *Anne*.
12. An act to enable *John* lord bishop of *Chichester*, to make leases of certain houses and grounds, belonging to the bishoprick of *Chichester*, situate in *Chancery Lane*, for a competent number of years.
13. An act to naturalize *Charles May*, esq;
14. An act to rectify a mistake in the marriage settlement of *William Gardiner*, esq;
15. An act to enable certain trustees therein named, to make, renew, and fill up leases of the estate of *Sir Coppleson Warwick Bamfylde*, during the minority of the said *Sir Coppleson Warwick Bamfylde*, and *John Bamfylde* his brother.
16. An act for settling the estate of *John Hall*, a lunatick, subject to a debt charged thereon.
17. An act for erecting hospitals, workhouses, and houses of correction, within the town and parish of *Crediton*, in the county of *Devon*, and for the better relief of the poor there.
18. An act for erecting hospitals, and workhouses, within the town and parish of *Tiverton*, in the county of *Devon*, for the better employing and maintaining the poor thereof.
19. An act for confirming and establishing the administration of the goods and chattels of *Sir William Godolphin*, knight, deceased.
20. An act for the naturalizing of *John Francis Fauquire*, *Joseph Dacasse*, and others.
21. An act for the better enabling *Sir Ralph Hare*, baronet, to make a jointure, and settle his estate, and raise portions and maintenances for his young children.
22. An act for vesting in trustees, to be sold, certain lands of *George Hewit*, esq; lying in the county of *Middlesex*, settled upon his marriage, and with money arising thereby, for purchasing other lands in *Leicestershire*, where his estate and seat lies, to be settled to the same uses.
23. An act for vesting in trustees, to be sold, for payment of the debts of *Wriothesley Baptist*, late earl of *Gainsborough*, deceased.
24. An act to annex the rectory of *Whitborne*, in *Herefordshire*, to the bishoprick of *Hereford*.
25. An act for the better settling the several estates of the right honourable *John* lord viscount *Lisburne*, in the kingdom of *Ireland*, and the lady viscountess *Lisburne*, his wife.
26. An act for supplying a defect in a conveyance lately made by *Sir Edward Turner*, and *Charles Turner*, esq; his son, for the more effectual securing the sum of twelve thousand pounds, and interest, upon their estate.
27. An act for the vesting several lands,

A TABLE of the STATUTES.

- lands, late belonging to *Robert Smith*, esq; deceased, in trustees, to be sold for the payment of his debts.
28. An act for vesting the manors of *Bastwick* and *Lavilles*, in the county of *Norfolk*, part of the estate of *John Houghton*, esq; in trustees, to be sold for discharging debts charged thereon, and for settling another estate in lieu thereof.
 29. An act to enable *Streynsham Master*, esq; to sell lands in *Kent*, which were agreed to be settled by his marriage articles, and to convey lands in *Derbysbire* of a greater value, to the same uses.
 30. An act to enable *Paris Slaughter*, *William Druce*, merchants, and dame *Elizabeth Chapman*, to import several bales of fine *Italian* thrown silk into this kingdom.
 31. An act for settling certain lands in *Essex* on *Thomas Burgh*, esq; and his heirs, in lieu of other lands of greater value, conveyed by him, according to the decree and the will of *Sir Samuel Jones*, deceased.
 32. An act for vesting certain customary messuages and lands within the manor of *Gillingham*, in the county of *Dorset* (late the estate of *Thomas Davis*, gent. deceased) in trustees, to be sold for payment of debts.
 33. An act for erecting hospitals and workhouses, within the city and county of the city of *Exon*, for the better employing and maintaining the poor there.
 34. An act for erecting hospitals and workhouses, within the city of *Hereford*, for the better employing and maintaining the poor there.
 35. An act to rectify some mistakes in an act, intituled, *An act to enable John Lewin to sell certain messuages in Southwark, for payment of debts.*
 36. An act for vesting a moiety of certain messuages and lands in *Hackney*, in the county of *Middlesex*, in trustees, for the benefit of *Susanna Cary*, widow and reliet of *Nicholas Cary*, esq; deceased, and others.
 37. An act for erecting hospitals, and workhouses within the town of *Colchester*, in the county of *Essex*, for the better employing and maintaining the poor thereof.
 38. An act to naturalize *William Lloyd*, esq; and others.
 39. An act to confirm the sale of part of the estate of *Sir John Churchill*, knight, deceased, for payment of his debts, pursuant to his last will, and two decrees in chancery, for the performance thereof.
 40. An act for vesting the manor of *Alveston*, and other lands therein mentioned, in the county of *Gloucester*, in trustees, to be sold for payment of debts, and other purposes therein mentioned.
 41. An act for confirming a lease made by the lord bishop of *Winton*, of a parcel of waste ground in *Alverstock*, in the county of *Southampton*, for the erecting of water works there, and for improving the same.
 42. An act for securing the portions intended by *Sir William Walter*, baronet, deceased, for his children by the lady *Mary Walter*, his second wife, and for preventing all doubts which might arise upon the construction of the articles and will therein mentioned.
 43. An act for relief of the creditors of *Edward Backwell*, esq; deceased.
 44. An act for vesting certain lands and hereditaments in *Maidstone*, and elsewhere in the county of *Kent*, in trustees for the benefit of *Diana Cecil*, and her heirs,
 45. An act to confirm a conveyance made by *George Pitt*, esq; and others, of the manors of *Arrant*, *Preston*, and other lands in the county of *Dorset*, to *John Pitt*, gent. and the heirs male of his body.
 46. An act for the better supplying the

A TABLE of the STATUTES.

- the town of *Newcastle upon Tyne* with fresh water.
47. An act for erecting workhouses, and houses of correction, in the town of *Kingston upon Hull*, for the employment and maintenance of the poor there.
 48. An act for erecting workhouses, and houses of correction in the town of *Shaftsbury*, and for the better employment and maintenance of the poor.
 49. An act for naturalizing of *Peter Garon*, and others.
 50. An act for naturalizing *Henry Reneu*, and others.
 51. An act that the ships *Panther*, *Gloucester* frigate, *Scarborough*, and *Antelope*, (formerly taken as prizes, and condemned) may have freedom of trading as *English* built ships.
 52. An act for giving leave to the ship *Maryland Merchant* of *Bristol*, to arrive and import her lading into this kingdom.
 53. An act that the ships called *Ruby Prize*, and *Plimouth*, may have freedom of trading as *English* built ships.
 54. An act for vesting a copperas-work, late part of the estate of *Robert Mascall* esq; deceased, in trustees, to be sold for payment of debts, and other charges thereupon.
 55. An act for sale of three houses in *Swan Alley* in *Coleman-street*, *London*, late of *Joseph Smith*, deceased, for payment of his debts, with which the same houses are chargeable.
 56. An act to enable *John Jenkyn* merchant, to sell part of his estate, for payment of his debts.
 57. An act to enable *John Hawkes* gent. to sell lands in the county of *Salop*, for the payment of his debts.
 58. An act to enable *Humphry Walrond* gent. to sell part of his estate, for the making provision for his eldest son, and *Elizabeth* his daughter (who are lunaticks) and payment of his debts, and raising portions for his other children.
 59. An act to give leave to the ship *Sally Rose* (formerly taken as prize) to arrive and import her lading, and to trade as an *English* built ship.
 60. An act for vesting in *Thomas Rogers* gent. an absolute estate of inheritance in fee-simple, in the manor of *Westcourt*, mansion house, messuages, lands, and hereditaments, in the county of *Kent*; and securing to *John Higgons* gent. and *Alice* his wife, and for portions for *Irene*, *Margaret*, *Mary*, and *Alice Caesar*, monies in lieu of their claims thereunto.
 61. An act to enable trustees to make leases, and grant copies, and receive the rents and profits of the estates late of *Sir Edward Wyndham* baronet, deceased, and *Hopton Wyndham* esq; deceased, during the minority of *Sir William Wyndham* baronet, for the intents and purposes therein mentioned.
 62. An act to enable *Humphry Trafford* esq; to raise four thousand pounds upon his estate, for payment of his debts.

Anno 10 W. 3.

- Cap. 1. For granting an aid to his Majesty, for disbanding the army, and other necessary occasions.
- Cap. 2. To prevent the making or selling buttons made of cloth, serge, druggert, or other stuffs.
- Cap. 3. To prohibit the exportation of any corn, malt, meal, flour, bread, biscuit, or starch, for one year, from the tenth day of *February*, one thousand six hundred ninety eight.

Anno 10 & 11 W. 3.

- Cap. 4. To prohibit the excessive distilling of spirits and low wines from corn, and against the exporting of beer and ale, and to prevent frauds in distillers.

Cap. 5.

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- Cap. 5. For the clearing, repairing, preserving, and maintaining the haven and piers of *Great Yarmouth* in the county of *Norfolk*.
- Cap. 6. To enlarge the trade to *Russia*.
- Cap. 7. For preventing irregular proceedings of sheriffs and other officers, in making the returns of members chosen to serve in parliament.
- Cap. 8. For making and keeping the river *Tone* navigable from *Bridge-water* to *Taunton*, in the county of *Somerset*.
- Cap. 9. For granting to his Majesty the sum of one million four hundred eighty four thousand and fifteen pounds, one shilling, eleven pence three farthings, for disbanding the army, providing for the navy, and for other necessary occasions.
- Cap. 10. To prevent the exportation of wool out of the kingdoms of *Ireland* and *England* into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of *England*.
- Cap. 11. To enable such officers and soldiers as have been in his Majesty's service, during the late war, to exercise trades; and for officers to account with their soldiers.
- Cap. 12. For raising the militia for the year one thousand six hundred ninety nine, although the month's pay formerly advanced be not repaid.
- Cap. 13. For the continuing the imprisonment of *Counter*, and others, for the late horrid conspiracy to assassinate his sacred Majesty.
- Cap. 14. For limiting certain times within which writs of error shall be brought for the reversing fines, common recoveries, and ancient judgments.
- Cap. 15. For continuing the act for the more easy recovery of small tithes.
- Cap. 16. To enable posthumous children to take estates, as if born in their fathers life-time.
- Cap. 17. For suppressing of lotteries.
- Cap. 18. For taking off the remaining duties upon glass wares.
- Cap. 19. For making and keeping navigable the rivers of *Aire* and *Calder*, in the county of *York*.
- Cap. 20. For making and keeping the river *Trent*, in the counties of *Leicester*, *Derby*, and *Stafford* navigable.
- Cap. 21. For laying further duties upon sweets, and for lessening the duties as well upon vinegar, as upon certain low wines and whale fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cinders, and for permitting the importation of pearls, and for preventing abuses in the brewing of beer and ale, and frauds in importation of tobacco.
- Cap. 22. For the more full and effectual charging of the duties upon rock salt.
- Cap. 23. For the better apprehending prosecuting, and punishing of felons that commit burglary, house-breaking, or robbery, in shops, warehouses, coach-houses, or stables, or that steal horses.
- Cap. 24. For making *Billingsgate* a free market for sale of fish.
- Cap. 25. To encourage the trade to *Newfoundland*.
- Cap. 26. For opening the ancient and making any new roynes and water-courses in and near *Sedgemore*, in the county of *Somerset*, for rendring the said moor more healthful and profitable to the inhabitants.

Private Acts.

Anno 10. W. 3.

1. An act for the more easy and certain payment of the debts of *Edward earl of Derwentwater*, by sale of woods and timber; and for enabling him to raise money for discharge of incumbrances upon part of his estate.
2. An

A TABLE of the STATUTES.

2. An act for naturalizing *Elizabeth Farewell*.
 3. An act for naturalizing *Philip Lepell*.
 4. An act for naturalizing *Bartholomew Ogilby*, and others.
- Anno 10 & 11 W. 3.
5. An act for the ships *Margaret*, and *Friendship*, of *Bristol*, to trade as free ships.
 6. An act to naturalize *James St. Pierre*, *John Denny*, and *Remond Hensbergh*.
 7. An act to naturalize *Charles de Si-burg*, and *Francis St. George*.
 8. An act to naturalize *William Lloyd*, *Cornelius de Witt*, and *Godfrey Lloyd*.
 9. An act to naturalize *John Meoles*.
 10. An act for the relief of the creditors of *Sir Robert Viner*, knight and baronet, deceased.
 11. An act for the naturalization of *Theophilus Rabefiners*, and others.
 12. An act for enabling *George Penn*, esq; to sell lands for the payment of his debts, and other purposes therein mentioned.
 13. An act to naturalize *Philip de Chenevix*, and others.
 14. An act to naturalize *William Lower*, *William Darnel*, and *Peter Godby*.
 15. An act for naturalizing *Anthony Columbiere*, and others.
 16. An act to naturalize *George Burnet*.
 17. An act to naturalize *Mark Anthony Daveffeins de Moncall*, and *David Loches*.
 18. An act for the naturalization of *John Francis de Carcasonet*, and others.
 19. An act for naturalizing captain *Thomas Brown*, and others.
 20. An act to naturalize *John de Philipneau*, *Sieur de Montargiore*, and others.
 21. An act for naturalizing *Peter Barrilleau*, and others.
 22. An act for the ship *Charles* fly-boat of *Exeter*, to trade as a free ship.
 23. An act to naturalize *Isaac Gouquette de St. Eloy*.
 24. An act for settling augmentations on certain vicarages for ever.
 25. An act for confirming of a grant and settlement made by *William Forster*, esq; of divers manors and lands in the county palatine of *Durham*, and county of *Northumberland*, to *Thomas lord Fairfax*, and others, upon certain trusts therein mentioned.
 26. An act for sale of some part of the estate of *Sir Thomas Darcy*, deceased, for payment of debts.
 27. An act to enable *Edward Price*, esq; to transfer a charge of one thousand pounds, for the use of his younger children, from an estate in the county of *Montgomery*, to an estate in the county of *Hereford* and *Radnor*, of better value.
 28. An act to enable trustees to sell part of the estate of *George Scot*, esq; to pay debts, and raise portions for his brother and sister, and to settle other parts of his estate.
 29. An act for sale of the estate of *Dudley Vesey*, in *Hintlesham*, in the county of *Suffolk*, for the payment of his debts.
 30. An act to enable *Robert Aldworth*, and his wife, to sell their estate in or near *Wantage*, in the county of *Berks*, for raising three hundred pounds for payment of his debts, and for applying the residue of the money for purchasing some other estate for the sole use of his wife and children.
 31. An act for the encouragement of a new invention by *Thomas Savery*, for raising water, and occasioning motion to all sorts of mill-work, by the impellent force of fire.
 32. An act to naturalize *Scipio Guy*, and others.
 33. An act for the sale of the manor of *Hahwill*, and *Becket*, in the county of *Devon*, the estate of *John Moor*, for payment of debts.

A TABLE of the STATUTES.

34. An act for vesting the real estate, late of *Thomas Lascel's*, esq; deceased, in trustees, to be sold for the payment of his debts.
35. An act to enable *John Young*, gent. to sell lands for payment of debts and legacies.
36. An act to enable the town of *Liverpool* in the county palatine of *Lancaster*, to build a church, and endow the same, and for making the said town and liberties thereof, a parish of itself, distinct from *Walton*.
37. An act to enable *Thomas Okeover*, gent. son and heir apparent of *Rowland Okeover* in the county of *Stafford*, esq; together with the said *Rowland Okeover*, to make a jointure and settlement upon the marriage of the said *Thomas Okeover*.
38. An act to enable *Katharine Leeke*, an infant under the age of one and twenty years, to settle and dispose of her estate upon her marriage.
39. An act for vesting certain lands of *Sir Thomas Seyliard*, baronet, in the county of *Kent*, in trustees, to be sold for the payment of his sisters portions, charged thereon.
40. An act to enable *Thomas Bye*, esq; an infant (with the consent of his guardians and next relations) to make a contract for the buying in his mother's jointure, and to settle a small estate in *Great Amwell* in the county of *Hertford*, and likewise for the securing and raising portions for *Barbara Bye*, sister to the said *Thomas Bye*, and for other purposes in the act mentioned.
41. An act for the sale of the manor of *Lordington*, alias *Lurtington*, and *Whitwey*, and divers lands in the county of *Suffex*, and for laying out 5,000 l. in purchasing other lands to be settled in lieu thereof.
42. An act to enable *Samuel Wake*, alias *Jones*, esq; to sell lands to pay debts, and to purchase other lands adjoining to and formerly parcel of his manor.
43. An act for the vesting and settling the estate of *Anne Bridges*, an infant, in *Burmudas*, alias the *Summer Islands*, in *America*, in and upon trustees, to be sold, and laying out the money arising by such sale in *England*, for the use of the said *Anne Bridges*.
44. An act for the enabling *Cyriat Westyd*, esq; to sell some part of his estate, which by articles upon his marriage was agreed to be settled upon his wife and children, and for settling of other part of his estate, of better value, to the same uses.
45. An act for the ships *Hawk* and *Rainbow* to trade as *English* built ships.
46. An act to enable *John Bull*, an infant, to sell his lands in *Kent* for the payment of debts and annuities charged thereon, and for provision for younger children.
47. An act for enabling the surviving trustees of *Sir William Pulteney*, knight, deceased, to make leases for the raising of monies, for the payment of his son *William Pulteney's* debts, and other purposes therein mentioned.
48. An act to enable *Popham Conway*, *Francis Seymour*, and *Charles Seymour*, esquires, and their issue male severally and successively, to make leases of their estates.
49. An act for sale of the estate of *Zenebia Hough*, for the payment of the debts of her husband, and other uses.
50. An act to enable the ship *Hope* (of great length, and very serviceable for bringing matts into this kingdom) to trade as an *English* built ship.
51. An act to enable *William Wraford*, gent. and dame *Anne Rich*, widow, to make leases of houses, and ground in *Covent Garden*, late the estate of *John Athy*, citizen and haberdasher of *London*.
52. An act for sale of the manor of *Downham*

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Downham in the county of *Essex* (the estate of *Sir Francis Andrews*) and for buying and settling other lands to the same uses.

53. An act to discharge the ships *King William*, and *Charles* the Second, from the penalties of the act of navigation.

54. An act to enable *Thomas Methwold*, esq; to raise the sum of 1200 *l.* upon his estate, by him laid out in improving the same.

55. An act for selling divers freehold and leasehold houses, the estate of *Thomas Cowslade*, an infant, and others, to discharge a mortgage, and to purchase other lands to be settled to the like uses.

56. An act for naturalizing *Augustine Cloribus*, and others.

57. An act for naturalizing *Samuel Bernardeau*, *Peter Chantree des Gaudree*, and others, private gentlemen belonging to his Majesty's three troops of guards and grenadiers.

58. An act to naturalize *Richard Legg*, and others.

59. An act to naturalize *Sir David Collier*, *Isaac la Melinere*, *Peter de Belcasle*, and *William Reiatore*.

Anno 11 W. 3.

Cap. 1. For taking away the bounty money, for exporting corn, from the ninth of *February*, one thousand six hundred ninety nine, to the nine and twentieth day of *September*, one thousand seven hundred.

Anno 11 & 12 W. 3.

Cap. 2. For granting an aid to his Majesty, by sale of the forfeited and other estates and interests in *Ireland*, and by a land tax in *England*, for the several purposes therein mentioned.

Cap. 3. For laying further duties upon wrought silks, muslins, and some other commodities of the *East Indies*, and for enlarging the time for

purchasing certain reverfionary annuities therein mentioned.

Cap. 4. For the further preventing the growth of popery.

Cap. 5. For the repair of *Dover* harbour.

Cap. 6. To enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father and mother were aliens.

Cap. 7. For the more effectual suppression of piracy.

Cap. 8. For the appointing commissioners to take, examine, and determine the debts due to the army, navy, and for transport service; and also an account of the prizes taken during the late war.

Cap. 9. For preventing of frivolous and vexatious suits in the principality of *Wales*, and the counties palatine.

Cap. 10. For the more effectual employing the poor, by encouraging the manufactures of this kingdom.

Cap. 11. To repeal an act made in the ninth year of his Majesty's reign, intituled, *An act for rendering the laws more effectual for preventing the importation of foreign bone lace, - loom lace, needle work, point, and cut work*, three months after the prohibition of the woollen manufactures in *Flanders* shall be taken off.

Cap. 12. To punish governors of plantations in this kingdom, for crimes by them committed in the plantations.

Cap. 13. For continuing several laws therein mentioned, and for explaining the act, intituled, *An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England*.

Cap. 14. For raising the militia for the year one thousand seven hundred, although the month's pay formerly advanced be not repaid.

Cap. 15.

A TABLE of the STATUTES.

- Cap. 15. For the ascertaining the measures for retailing ale and beer.
- Cap. 16. For the better ascertaining the tithes of hemp and flax.
- Cap. 17. To prevent disputes that may arise by officers, and members of corporations, having neglected to sign the association, and taken the oaths in due time.
- Cap. 18. For the more effectual punishing of vagrants, and sending them whither by law they ought to be sent.
- Cap. 19. To enable justices of peace to build and repair gaols in their respective counties.
- Cap. 20. For taking away the duties upon the woollen manufactures, corn, grain, bread, biscuit, and meal exported.
- Cap. 21. For the explanation and better execution of former acts made touching watermen, and wherry-men, rowing on the river of *Thames*, and for the better ordering and governing the said watermen, wherry-men, and lightermen upon the said river, between *Gravesend* and *Windfor*.
- Cap. 22. For making the river *Lark*, alias *Burne*, navigable.
- Cap. 23. For the better preserving the navigation of the rivers *Avon*, and *Froome*, and for cleansing, paving, and enlightning the streets of the city of *Bristol*.
- Cap. 24. To enable the mayor and citizens of the city of *Chester* to recover and preserve the navigation upon the river *Dee*.

Private Acts.

Anno 11 W. 3.

- 1. An act to enable *Thomas Noble* gent. to sell the undivided third part of the manor of *Foxton* in the county of *Leicester*, when he shall have settled lands (an entire estate) of a greater value to the same uses,

Anno 11 & 12 W. 3.

- 2. An act to dissolve the duke of *Norfolk's* marriage with the lady *Mary Mordant*, and to enable him to marry again.
- 3. An act for the better enabling *Anne Baldwin*, widow, to sell a capital messuage and lands called *Wiltons*, and other lands in the county of *Bucks*, devised by her husband's will.
- 4. An act for continuing the governor and company of merchants of *London*, trading to the *East Indies*, a corporation.
- 5. An act for rectifying a mistake in the marriage settlement of *Thomas Hopwood* gent. on *Elizabeth* his wife, in order to raise portions for younger children, and to pay debts.
- 6. An act for the more speedy payment of the debts of *John Cloberry* esq; deceased, and for the raising portions and maintenance for his children.
- 7. An act to enable *Thomas May* gent. to sell lands in the county of *Suffolk*, which were settled upon his marriage, and to convey other lands in the same county, of a greater value, to the same uses.
- 8. An act for vesting the real estate of *Joseph Gardiner* and *Sarahh* his wife, late the estate of *William Ridges* esq; deceased, in trustees, to be sold for payment of the debts and legacies therein mentioned, and for applying the residue of the money upon the trusts therein specified.
- 9. An act for sale of several western manors, and lands, the estate of *Arthur Lacy* esq; for discharging a mortgage thereupon, and for laying out the surplus monies in the purchase of demesne lands, to be settled to the same uses.
- 10. An act for vesting the manor of *Exton*, and other lands in the county of *Somerset*, late the estate of *Thomas Siderfin* esq; deceased, in trustees,

A TABLE of the STATUTES.

- trustees to be sold for payment of debts.
11. An act for the speedy and effectual making a convenient way out of *Chancery Lane* to *Lincoln's Inn Fields*, and places adjacent.
 12. An act for settling of the lands, tenements, and hereditaments, late of *Robert Merefield* and *John Merefield*, esquires, deceased, and for ascertaining the proportions between the widow of the said *Robert*, and his surviving children.
 13. An act for the settling all differences concerning dame *Mary Bond's* will, and for performing the same.
 14. An act for charging the estate of *Sir Thomas Robinson*, baronet, with seven thousand pounds, for the portion of *Anne* his sister; and for settling her estate upon the said *Sir Thomas Robinson*, in lieu thereof.
 15. An act for confirming a lease and certain indentures between the city of *Norwich*, and *Richard Barry*, esq; *George Sorocold*, gent. and *James Soame*, merchant, and for enlightening the streets of the said city.
 16. An act for settling the estate of *Catherine-Fitzgerald Villers*, and raising of money for payment of debts, and better securing the portions of her five younger children by *Edward Fitzgerald Villers*, esq; her late husband.
 17. An act to enable *Edward Mansell* esq; to mortgage or sell the impropriate rectories of *Llanriddian*, and *Penrice*, for payment of debts, and raising portions for younger children, and for settling the manor of *Henleys*, and other lands, of more value.
 18. An act for the selling the reversion and inheritance of the farm of *Nethercott* in the county of *Oxon*, for payment of the debts and legacies of *George Harrison*, esq; deceased.
 19. An act for vesting certain lands and tenements of *Sir Josiah Child*, baronet, deceased, in trustees, for the better performance of certain covenants entered into by the said *Sir Josiah Child*, upon the marriage of his eldest son with the daughter of *Sir Thomas Cooke*, knight.
 20. An act to supply the loss of certain indentures of lease, and release, heretofore made by *Philip Holman*, esq; deceased, to *George Holman* his son, now also deceased.
 21. An act to enable *Henry Butler*, esq; to make lease of part of his estate in *Lancashire*, for discharge of incumbrances thereupon.
 22. An act for vesting part of the estate of *Thomas Cowper*, of the city of *Chester*, esq; in trustees, for payment of debts.
 23. An act for confirming the sale of the manor of *Stanfall*, and certain tenements in the county of *York*, made by *Thomas Barlow*, gent. and for settling other lands of greater value to the same uses, and for vesting other lands and hereditaments in trustees, to be sold for purchasing other lands to be settled to the same uses.
 24. An act for selling the manor of *Fenham* in the county of *Northumberland*, for the payment of the debts of *Thomas Riddell*, esq; and *Edward Riddell*, his son, and raising portions for the daughters of the said *Thomas Riddell*.
 25. An act for sale of part of the estate of *Charles Hore*, esq; for payment of his debts, for settling other part in trust, for raising a portion and maintenance for *Elizabeth* his only daughter by his former wife, and for making a jointure for *Mary* his now wife, and for a provision for the children by the said *Mary*.
 26. An act to enable *Dalby Thomas*, esq; to sell lands in *Iffington* in *Middlesex*, settled on his marriage by *Dorothy* his now wife, as part of her jointure, he settling another estate

A TABLE of the STATUTES.

- estate of equal or greater value in lieu thereof.
27. An act to enable trustees to make sale of the inheritance of the twelfth part of several manors, lands, and tenements of *Bluet Wallop*, esq; during his minority, and to purchase other lands with the money to be raised by such sale, to be settled for the same uses, as the said twelfth part was settled.
28. An act to enable *Leonard Wessel*, esq; to sell the manor of *Acres-Fleet* in the county of *Essex*, settled on his marriage with *Sarah* his now wife, as part of her jointure, laying out the money arising by such sale in purchase of other lands.
29. An act for taking the estate in law, of several messuages and lands, mortgaged to *Jeffery* and *Samuel Howland*, and their heirs, out of *Wriothesly Russel*, commonly called lord marquis of *Tavistock*, and his lady.
30. An act for confirming a lease of a piece of ground from the rector, and churchwardens of the parish of *St. Martin's Orgars, London*, for liberty to build a church thereon, for the worship and service of God in the *French* tongue, according to the usage of the church of *England*.
31. An act for sale of the estate of *Bryan Janson*, esq; deceased, for payment of debts, and provision for his wife and children.
32. An act for the ship *Martha of Margam* to trade as a free ship.
33. An act for the naturalizing *Theodore Jacobson*, and others.
34. An act for the naturalizing of *Oliver D' Hartcourt*, and others.
35. An act for naturalizing *John Burges*, and others.
36. An act for the naturalizing *John Richard, Jacob Dabbadie*, and others.
37. An act for naturalizing *Francis Vandertyd*, and *Agneta Vandermerisch, Henry Lewman*, and *James Gabriel Le Trefor*.
38. An act for naturalizing *Isaac Delagarde, John Batero*, and others.

Anno 12 & 13 W. 3.

- Cap. 1. For the renewing the bills of credit, commonly called Exchequer bills.
- Cap. 2. For the further limitation of the crown, and better securing the rights and liberties of the subject.
- Cap. 3. For preventing any inconveniencies that may happen by privilege of parliament.
- Cap. 4. For appointing wardens and assay-masters, for assaying wrought plate in the cities of *York, Exeter, Bristol, Chester*, and *Norwich*.
- Cap. 5. For continuing a former act to prevent false and double returns of members to serve in parliament.
- Cap. 6. For continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of *England*.
- Cap. 7. For the better settling and preserving the library kept in the house at *Westminster*, called *Cotton-House*, in the name and family of the *Cottons*, for the benefit of the publick.
- Cap. 8. For raising the militia for one year, although the month's pay formerly advanced be not repaid.
- Cap. 9. For the recovering, securing, and keeping in repair the harbour of *Minehead*, for the benefit and support of the navigation and trade of this kingdom.
- Cap. 10. For granting an aid to his Majesty for defraying the expence of his navy, guards and garrisons, for one year, and for other necessary occasions.
- Cap. 11. For granting to his Majesty several duties upon low wines, or spirits of the first extraction, and continuing several additional duties upon coffee, tea, chocolate, spices, and pictures, and certain impositions upon hawkers, pedlars, and petty

petty chapmen, and the duty of fifteen *per cent.* upon muslins, and for improving the duties upon japanned and lacquered goods, and for continuing the comage duty, for the several terms and purposes therein mentioned.

Cap. 12. For appropriating three thousand seven hundred pounds weekly out of certain branches of excise, for publick uses, and for making a provision for the service of his Majesty's household and family, and other his necessary occasions.

Cap. 13. To enable his Majesty to make leases and copies of offices, lands, and hereditaments, parcel of his duchy of *Cornwall*, or annexed to the same; and for confirmation of leases already made.

Private Acts.

Anno 12 & 13 W. 3.

1. An act for the more speedy payment of the creditors of *James* late duke of *Ormond*, and of the present duke of *Ormond*.
2. An act to enable the right honourable *Elizabeth* viscountess *Bulkeley* of *Cassels* in the kingdom of *Ireland*, to sell certain lands in the county of *Devon*, and city and county of the city of *Exon*, for the payment of debts.
3. An act to enable *Robert* lord viscount *Kilmorey* of the kingdom of *Ireland*, (being an infant) to settle divers manors, lands, and hereditaments in the kingdom of *England*, upon a treaty of marriage.
4. An act to enable Sir *Charles Barrington*, baronet, to settle a jointure, and make provision for his younger children.
5. An act to enable Sir *Robert Warsham*, knight and baronet, to dispose of lands in *Hertfordshire*, and to settle other lands of better value in *Kent*, to the same uses as the lands in *Hertfordshire* are settled.
6. An act for erecting hospitals and

workhouses within the borough of *King's Lynn* in the county of *Norfolk*, for the better employing and maintaining the poor there.

7. An act for erecting a court of request or conscience in the city and county of the city of *Norwich*, for the recovery of small debts under forty shillings.
8. An act to enable *Stephen Jermyn* to make provision for his younger children, and for the advancement of his eldest son.
9. An act for the vesting and settling certain manors and lands in *South Pickenham*, and other places in the county of *Norfolk*, in trustees, to be sold, and for laying out the monies arising by sale thereof, in the purchase of other lands to be settled to such and the same uses as the said manors and lands, so to be vested, are and stand settled.
10. An act for discharging a mortgage upon the estate of *Peter Trevisa*, esq; deceased, and providing a maintenance for his widow and children.
11. An act for the more speedy payment of the debts of *Christopher Killiow*, esq; and for the raising portions and maintenance for his brothers and sisters, in pursuance of his father's will.
12. An act for vesting the estate of *Humphry Hide*, esq; deceased, in trustees, for raising portions for his younger children.
13. An act for furnishing the town of *New Deale* with fresh water.
14. An act for vesting a messuage and lands in *Stevenage* in the county of *Hertford*, the estate of *Richard Nodes*, in trustees, to be sold for making a provision for his wife and children, equal to the provision secured to them out of the said estate.
15. An act for sale of the estate of *William Davison*, esq; deceased, for payment of debts, and raising his childrens

- childrens portions charged thereupon.
16. An act for separating *James* earl of *Anglesea* from *Katharine* countess of *Anglesea* his wife, for the cruelty of the said earl.
 17. An act for dissolving the marriage of *Sir John Dillon* with *Mary Boyle*; and for other purposes therein mentioned.
 18. An act to dissolve the marriage of *Ralph Box* with *Elizabeth Eyre*, and to enable him to marry again.
 19. An act for the vesting several messuages, lands, and tenements belonging to *John Fauconer*, esq; in trustees, to be sold for payment of debts.
 20. An act for transferring a trust in lands, belonging to the city of *London*, unto new trustees.
 21. An act for removing the county gaol of *Hertford*.
 22. An act for the better performance of the last will of *Henry Apsly*, esq; deceased.
 23. An act for vesting the estate of *Thomas Bennet*, late of *Newton cum Larton*, in the county of *Chester*, in trustees, for the use of the poor of *West Kirby*, pursuant to the will of the said *Thomas Bennet*.
 24. An act to enable *William Vaughan*, esq; and *Frances Vaughan*, his intended wife (being both under the age of one and twenty years) to perform articles made for their marriage.
 25. An act to change the surname of *Ellis Mews*, and his heirs, to the surname of *St. John*.
 26. An act for making good the deficiency of the charges of making a way out of *Chancery Lane* into *Lincoln's Inn Fields*.
 27. An act for declaring the will of *Sir Joseph Herne*, knight, dated the five and twentieth day of *February*, one thousand six hundred ninety eight, to be taken and esteemed the last will of the said *Sir Joseph Herne*.
 28. An act for naturalizing *James Barkstead*, widow, and vesting several mortgages and securities in her, to enable her to convey or assign the same.
 29. An act for naturalizing *Archibald Arthur*, and enabling him to dispose of his estate.
 30. An act for naturalizing *Jacob Auguste Pyngot*, and others.
 31. An act for naturalizing *Adrian Lofland*, and others.
 32. An act to enable *Sir Thomas Stanley*, baronet, to charge certain manors and lands in the county of *London*, with three hundred pounds, for payment of his sisters portions, and his debts.
 33. An act for the sale of the estate of *James Dtane*, and for securing the monies raised thereby for the benefit of himself and family, according to the settlement thereof.
 34. An act to enable *Richard Bigg* to charge part of his estate in the county of *Hertford* and *Bedford*, with the payment of his debts.
 35. An act for naturalizing *Peter Bagnol*, *Daniel Senault*, and others.
 36. An act for naturalizing *Gasper Cordoso*, *Herman Vantwedd*, and others.

Anno 13 W. 3.

Cap. 1. For reviving and continuing an act, intituled, *An act for the appointing commissioners to take, examine, and determine the debts due to the army, navy, and for transport service, and also an account of the prizes taken during the late war.*

Cap. 2. For punishing of officers and soldiers, that shall mutiny or desert in *England* or *Ireland*.

Cap. 3. For the attainder of the pretended prince of *Wales* of high treason.

Cap. 4. For continuing an act, intituled, *An act that the solemn affirmation and declaration of the people called quakers,*

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- quakers, shall be accepted instead of an oath in the usual form.
- Cap. 5. For granting an aid to his Majesty, by laying duties upon malt, mum, cyder, and perry.
- Cap. 6. For the further security of his Majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.
- Anno 1 Anna.*
- Cap. 7. For the better support of her Majesty's household, and of the honour and dignity of the crown.
- Cap. 8. For explaining a clause in an act made at the parliament begun and holden at Westminster, the two and twentieth of November, in the seventh year of the reign of our sovereign lord King William the Third, intituled, *An act for the better security of his Majesty's royal person and government.*
- Cap. 9. For continuing the act made in the eighth year of his late Majesty's reign, for better preventing the counterfeiting the current coin of this kingdom.
- Cap. 10. For taking, examining and stating the publick accounts of the kingdom.
- Cap. 11. For reviving the act, intituled, *An act for exempting apothecaries from serving the offices of constable, scavenger, and other parish and ward offices, and from serving upon juries.*
- Cap. 12. For granting an aid to her Majesty, by divers subsidies and a land tax.
- Cap. 13. For making good deficiencies, and for preserving the publick credit.
- Cap. 14. For enabling her Majesty to appoint commissioners to treat for an union between the kingdoms of England and Scotland.
- Cap. 15. To ascertain the water-measure of fruit.
- Cap. 16. For the enlarging and encouraging the Greenland trade.
- Cap. 17. For continuing and amending the act made in the ninth year of his late Majesty's reign, intituled, *An act for the settling and adjusting the proportions of fine silver and silk, and for the better making of gold and silver thread, and to prevent the abuses of wire-drawers.*
- Cap. 18. To explain and alter the act made in the two and twentieth year of King Henry the Eighth, concerning repairing and amending of bridges in the highways; and for repealing an act made in the twenty third year of Queen Elizabeth, for the re-edifying of Cardiffe bridge in the county of Glamorgan; and also for changing the day of election of the wardens and assistants of Rochester bridge.
- Cap. 19. For the rebuilding and repairing the piers of the town and port of Whitby in the county of York.
- Cap. 20. For making the river Derwent, in the county of York, navigable.
- Cap. 21. For preventing frauds in the duties upon salt, and for the better payment of debentures at the custom-house.
- Cap. 22. To declare the alterations in the oath appointed to be taken by the act, intituled, *An act for the further security of his Majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors; and for declaring the association to be determined.*
- Cap. 23. For raising the militia for the year one thousand seven hundred and two, notwithstanding the month's pay formerly advanced be not repaid.

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- Cap. 24. For the continuing the present sheriffs in *England* and *Wales*, until the first day of *Hilary* term next, unless her Majesty shall think fit to determine them sooner.
- Cap. 25. For the relief of poor prisoners for debt.
- Cap. 26. For the relief of the masters of hoys, and other vessels carrying corn, and other inland provisions, within the port of *London*.
- Cap. 27. For the importation of fine *Italian* thrown silk.
- Cap. 28. For importing into *England* thrown silk of the growth of *Sicily*, from the port of *Legborne* in *Italy*.
- Cap. 29. For the continuing the imprisonment of *Counter*, and others, for the horrid conspiracy to assassinate the person of his late sacred Majesty King *William* the Third.
- Cap. 30. To oblige the Jews to maintain and provide for their protestant children.
- Cap. 31. For making more effectual the provision out of the forfeited estates in *Ireland*, for the building of churches, and augmenting small vicarages in *Ireland*.
- Cap. 32. For the relief of the protestant purchasers of the forfeited estates in *Ireland*.

Private Acts.

Anno 1 Annæ.

1. An act to naturalize *Charlotte* the wife of *Hugh Boscawen*, esq;
2. An act for enabling *Lionel* earl of *Orrery*, in the kingdom of *Ireland*, by sale of certain lands, and tenements, to raise money for payment of his debts, and settle other lands to the uses and purposes in this act mentioned.
3. An act to enable the right honourable lady *Henrietta O'Brien*, mother and guardian of the right honourable *Henry* earl of *Thomond*, an infant, to make leases of his estate in *Ireland*, for the discharging of incumbrances thereon, and of a charge of 4000*l.* for his sister's portion.
4. An act for the relief of *Frances* countess of *Tyrconnel*, relict of *Richard* late earl of *Tyrconnel*, of the kingdom of *Ireland*.
5. An act for enabling Sir *William Meredith*, baronet, to sell part of a capital messuage, lands, and hereditaments, herein after mentioned, in *Ashley* in the county of *Chester*, he having settled other lands and tenements in lieu thereof.
6. An act to enable trustees to sell certain lands, tithes, and tenements, for the payment of the debts of *Francis Pursoy*, esq; deceased.
7. An act for vesting several messuages, lands, and tenements, in the parish of *Whitburch*, in the county of *Chester*, in trustees, to be sold for paying off the incumbrances charged thereon, and for other uses therein mentioned.
8. An act to enable *Warner Lee*, alias *Warner Warner*, to make a jointure upon his marriage.
9. An act for the settling and vesting divers manors and lands of *Francis Wightwicke*, an infant, lying in the county of *Stafford*, in trustees, to enable them to settle and convey the same, upon the marriage of the said *Francis Wightwicke*, to such uses, intents, and purposes, as shall be agreed upon.
10. An act for confirming the title of *Thomas Rose*, gent. to lands called *Rempstone*, and for sale of lands called *Currants Court*, in the county of *Dorset*, for payment of the debts of *William Rose*, gent. deceased, and for settling the manor of *Cheddar Fitzwaters*, in the county of *Somerset*, with the overplus on the sale, on *Mary Rose*, an infant, daughter of the said *William* in lieu of three thousand pounds portion for the said infant.

II. An

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11. An act for confirming a purchase made by her Majesty, and an exchange between her Majesty and the dean and canons of the King's free chapel, within the castle of *Windsor*.
12. An act for the sale of certain manors, and lands, of *John* late earl of *Exeter*, for payment of the debts, and performance of the will of the said earl.
13. An act for vesting certain lands and tenements of *Montague* earl of *Abingdon*, in trustees, to be sold, and purchasing other lands of equal value, and limiting the lands to be purchased to the same uses, as the lands to be sold are limited.
14. An act for relief of *Dorothy* baroness dowager of *Upper Ossory*, and captain *James Roche*, with relation to the *Irish* forfeitures.
15. An act for the sale of the manor of *Attingham*, in the county of *Salop*, and settling a farm called *Selly Hall*, and a moiety of the manor of *Temple Lawrne*, in the county of *Worcester*, of better value, in lieu thereof.
16. An act for charging the estate late of *William Adams*, esq; deceased, with portions and maintenances for *William Adams*, and *Elizabeth Adams*, his younger children.
17. An act for sale of part of the estate of *Stephen Soam*, gent. and *Dorothy* his wife, and for applying the monies raised thereby for payment of his debts, and for the portions of *Mary* and *William Soam*, two of their younger children.
18. An act to enable *Robert Appreece* the elder, and *Robert Appreece* the younger, esquires, to raise money out of their estate for payment of a debt due to her Majesty, and other debts.
19. An act for confirming and settling of divers charities, given by the last will of *Job Marston*, gent. deceased.
20. An act for the relief of *Thomas Keighley* esq; with relation to the forfeited estates in *Ireland*.
21. An act to enable *Jeffery Palmer* esq; to settle a jointure upon *Elizabeth* his wife.
22. An act for the relief of *Hannah Mac Donnel*, with relation to the forfeited estates in *Ireland*.
23. An act for the relief of captain *Thomas Bellew*, with relation to the forfeited estates in *Ireland*.
24. An act for the relief of *Edward Singleton* esq; with relation to the forfeited estates in *Ireland*.
25. An act for vesting the estates of *William Matthews* gent. and *Katharine* his wife, in trustees, to be sold for the purposes therein mentioned.
26. An act for the better government of the hospital of *Balsall* in the county of *Warwick*, founded by the lady *Katharine Leveson*.
27. An act for the relief of *Nicholas Bagenall* esq; with relation to the forfeited estates in *Ireland*.
28. An act for the relief of colonel *Henry Luttrell*, with relation to the forfeited estates in *Ireland*.
29. An act to enable the dean and chapter of the cathedral church of *St. Peter* in *Exeter*, and their farmers and tenants, to make leases of and in the manor of *Culmstock* in the county of *Devon*.
30. An act for vesting in trustees the estate late of Sir *William Powell*, baronet, deceased, for raising portions for the younger children of Sir *John Williams*, and dame *Mary* his wife (daughter of the said Sir *William Powell*) and to enable *William Williams*, their eldest son, to make a jointure to such wife as he shall marry.
31. An act for vesting certain messuages and tenements in the county of *Bedford* and *Middlesex*, in trustees, to be sold, and for purchasing lands or rents, to be settled to the same uses.

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32. An act for the more effectual settlement of the estate of *John Stone of Baldwin Brighwell* in the county of *Oxford*, esq; in his family and name.
33. An act to enable trustees to make sale of part of the estate of *Hampbry Bury*, for paying of a mortgage, and a portion charged thereupon.
34. An act for erecting hospitals and workhouses within the town of *Sudbury* in the county of *Suffolk*, for the better employing and maintaining the poor thereof.
35. An act to vest several lands and tenements, in the county of *York*, in trustees, to be sold for the raising of a portion for *Henrietta Tempest*, an infant.
36. An act to enable the trustees of *James Hunt* esq; deceased, to sell timber, for the payment of his debts and legacies.
37. An act to enable *Edward Mansell* esq; to raise a further sum of one thousand pounds on a mortgage of the impropriate rectory of *Llanrid-dian*, for the payment of his debts.
38. An act for enlarging the time for *John lord Haversham* to make his claim before the trustees for the forfeited estates in *Ireland*.
39. An act for the relief of *Sir Thomas Denville* baronet, with relation to the forfeited estates in *Ireland*.
40. An act for the relief of *Francis earl of Carlingford*, and others, against several outlawries in the county of *Tipperary* in *Ireland*.
41. An act for making provision for the protestant children of the earl of *Clanriccard*, and the lord *Boppin*.
42. An act for the relief of *Thomas earl of Limerick* of the kingdom of *Ireland*, and *Euphemia* countess dowager of *Limerick*, with relation to the forfeited estates in *Ireland*.
43. An act to enable *Rebecca Wyndham* to sell and dispose of an estate late *Sarah Vernon's* in the county of *Norfolk*,
44. An act to enable the bishop of *Gloucester*, and his successors, to make distinct and separate leases of the manors, lands, and premisses therein mentioned.
45. An act for the enabling *Abraham Barnwell* to make a more ample settlement of his estate for the benefit of his family, and to sell part thereof for raising portions for his younger children in his life time, and for payment of his debts.
46. An act for the better improvement of *Suffolk Place* in the borough of *Southwark* in the county of *Surry*.
47. An act for settling the estate late of *John and Robert Window*, gent. deceased, in trustees, to be sold, and the purchase-money applied to the uses therein mentioned.
48. An act for vesting the lands of *Henry Pawlet*, a lunatick, in trustees, in order to make suitable provision for him, his next heir, and next relations.
49. An act for the relief of *Sir Edmund Everard, Peter Fagan*, and the protestant children of *Sir Anthony Mullady*, deceased, with relation to the forfeited estates in *Ireland*.
50. An act for the relief of *William lord viscount Mountjoy* of the kingdom of *Ireland*, with relation to the forfeited estates in *Ireland*.
51. An act for the relief of *Robert Edgeworth*, esq; with relation to the forfeited estates in *Ireland*.
52. An act for vesting several lands in the counties of *Surry* and *Suffex*, the estate of *Mary Johnson*, wife of *William Johnson* gent. in trustees; to be sold, for discharging several mortgages and other debts charged upon the estate of the said *William Johnson*, and settling his estate upon the said wife and her children by him, clear of incumbrances.
53. An act for enlarging the time for *John Hill* esq; and his wife, to enter their claims before the trustees for

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- for sale of the forfeited estates in *Ireland*, with relation to a judgment against *Robert Grace*, and for the relief of the creditors of *John Grace*, and the widow, protestant children and creditors of the late Sir *Patrick Trant*, with relation to the said forfeited estates; and for the indemnifying the earl of *Carlingford* touching mortgage-money by him owing to the said late Sir *Patrick Trant*.
54. An act for the relief of *Edward Nugent* esq; with relation to the forfeited estates in *Ireland*.
55. An act for the relief of *Joseph Mitchell* esq; with relation to the forfeited estates in *Ireland*.
56. An act for the relief of *Dennis Molony* gent. with relation to the forfeited estates in *Ireland*.
57. An act for the enlarging the time for *Cæsar Bradshaw* esq; to prosecute his claim before the trustees for the *Irish* forfeitures.
58. An act for the relief of *Jane Lavallin*, with relation to the forfeited estates in *Ireland*.
59. An act for the relief of *James Eustace* of *Yeamans Town*, *Agmondisham Vely* esq; *George Field*, and *Thomas Brigstock*, with relation to the forfeited estates in *Ireland*.
60. An act for the relief of *Francis Spring*, and other protestant tenants of the forfeited estates in *Ireland*; in respect to their real improvements, and for confirming a protestant settlement at *Portarlinton*, and of a charity at *Middleton*, in the county of *Cork*; and for relief of *Alice countess* dowager of *Drogheda*, and Sir *John Dillon*.
61. An act for the relief of *Ignatius Gold* and his family, with relation to the forfeited estates in *Ireland*.
62. An act for the relief of Sir *William Ashburst* knight, with relation to the forfeited estates in *Ireland*.
63. An act for the relief of *Mary Vernon*, with relation to the forfeited estates in *Ireland*.
64. An act for the relief of *Katharine Obrien*, widow, and her children, with relation to the forfeited estates in *Ireland*.
65. An act for the relief of *William Spencer*, esq; and the wife and children of the late lord *Kenmare*, in the kingdom of *Ireland*, with relation to the forfeited estates in *Ireland*.
66. An act for the relief of *Katharine Harris*, alias *Kife*, with relation to the forfeited estates in *Ireland*.
67. An act for the relief of *Susannah Smith*, widow, with relation to the forfeited estates in *Ireland*.
68. An act for the relief of captain *Richard Wolfely*, and other protestant lessees in *Ireland*.
69. An act for enlarging the time for Sir *Stephen Fox* to make his claim before the trustees for the forfeited estates in *Ireland*.
70. An act for enlarging the time for *Rebecca viscountess Paullkland* of the kingdom of *Scotland*, to enter her claim before the trustees for the forfeited estates in *Ireland*, to a mortgage upon part of the said estates.
71. An act for exempting and discharging of *Arthur French*, and *Sarah* his wife, from accounting to the trustees for the forfeited estates in *Ireland*, for the personal estate of *Irriell Farrel*, deceased.
72. An act for the relief of *Charlotte Talbot*, with relation to the forfeited estates in *Ireland*.
73. An act to recompense *Philip Savage*, esq; for the charge of out-lawries, and attending the trustees for the forfeited estates in *Ireland*.
74. An act for the relief of *Maurice Annesley*, esq; with relation to the forfeited estates in *Ireland*.
75. An act for the relief of *Thomas Lee*, esq; and others, executors of Sir *John Heley*, knight, and *Peter Goodwin*, esq; with relation to the forfeited estates in *Ireland*.
76. An act for the relief of *Thomas Plunket*,

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Plunket, gent. and *Katherine* his wife, with relation to the forfeited estates in *Ireland*; and for empowering her Majesty to grant writs of error for reversing the outlawries against *John Mapas*, and *Lawrence Fitzgerald*.

77. An act for the relief of *John Ellis*, esq; with relation to the forfeited estates in *Ireland*.

78. An act for naturalizing *Daniel Van Ryssen*, and others.

79. An act for naturalizing *Thomas St. Leger de Bacolon*, *Joseph de Lanney*, *Alexander de Racquet des Fourneaux*, and others.

80. An act for naturalizing *Stephen Benovad*, *John Girard*, and others.

Anno 1 Annæ. Stat. 2.

Cap. 1. For granting to her Majesty a land tax for carrying on the war against *France* and *Spain*.

Cap. 2. For enabling her Majesty to settle a revenue for supporting the dignity of his royal highness Prince *George* hereditary of *Denmark*, in case he shall survive her Majesty.

Cap. 3. For granting a supply to her Majesty by several duties imposed upon malt, mum, cyder, and perry.

Cap. 4. For continuing the duties upon coals, culm, and cinders.

Cap. 5. For granting an aid to her Majesty by sale of several annuities at the Exchequer, for carrying on the war against *France* and *Spain*.

Cap. 6. For the better preventing escapes out of the *Queen's Bench* and *Fleet* prisons.

Cap. 7. For explaining and making effectual a late statute concerning the haven and piers of the borough of *Great Yarmouth*, and for confirming the rights and privileges of the said borough.

Cap. 8. For explanation of a clause in one act made in the seventh year of his late Majesty's reign, relating

to borelaps, and to take off the additional subsidy upon *Irish* linen.

Cap. 9. For punishing of accessaries to felonies, and receivers of stolen goods, and to prevent the wilful burning and destroying of ships.

Cap. 10. For the better repairing and amending the highways from the north end of *Thornwood Common*, to *Woodford* in the county of *Essex*.

Cap. 11. For making the river *Cham* alias *Grant*, in the county of *Cambridge*, more navigable, from *Clayhithe Ferry*, to the *Queen's Mill*, in the university and town of *Cambridge*.

Cap. 12. For the finishing and adorning the cathedral church of *St. Paul, London*.

Cap. 13. For continuing former acts for exporting leather, and for ease of jurors, and for reviving and making more effectual an act relating to vagrants.

Cap. 14. For the encouraging the consumption of malted corn, and for the better preventing the running of *French* and foreign brandy.

Cap. 15. For granting to her Majesty several subsidies for carrying on the war against *France* and *Spain*.

Cap. 16. For punishing officers and soldiers who shall mutiny or desert her Majesty's service in *England* or *Ireland*, and for punishing false musters, and for better payment of quarters in *England*.

Cap. 17. For enlarging the time for taking the oath of abjuration; and also for recapacitating and indemnifying such persons as have not taken the same by the time limited, and shall take the same by a time to be appointed; and for the further security of her Majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of *Wales*, and all other pretenders, and their open and secret abettors.

Cap. 18.

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Cap. 18. For the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom.

Cap. 19. For taking, examining, and stating the publick accounts of the kingdom.

Cap. 20. For reviving and continuing the late acts for appointing commissioners to take, examine, and determine the debts due to the army, and for transport service, and also an account of the prizes taken during the late war.

Cap. 21. For advancing the sale of the forfeited estates in *Ireland*, and for vesting such as remain unfold by the present trustees, in her Majesty, her heirs and successors, for such uses as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relating to the lord *Boplin*, and Sir *Edmund Eward*.

Cap. 22. For preventing frauds in her Majesty's duties upon stamped vellum, parchment, and paper.

Cap. 23. For raising the militia of this kingdom for the year one thousand seven hundred and three, notwithstanding the month's pay formerly advanced be not repaid.

Cap. 24. To oblige *Edward Whitaker*, to account for such sums of publick money as have been received by him.

Private Acts.

Anno. 1. Annæ. Stat. 2.

1. An act for rectifying a mistake in a late act, intituled, *An act to enable Sir Robert Martham, knight and baronet, to dispose of lands in Hertfordshire, and to settle other lands of better value in Kent, to the same uses as the lands in Hertfordshire are settled.*

2. An act for sale of part of the estate of *William Peathy*, esq; deceased, for payment of legacies charged thereupon.

3. An act for settling divers manors, lands, and hereditaments, the estate of *Henry duke of Beaufort*, according to agreements made upon his marriage, and for other purposes in the said act mentioned.

4. An act to vest divers lands and tenements of Sir *Thomas Brograve*, bart. in the county of *Hertford*, in trustees, to be sold, and to settle other lands and tenements in lieu thereof.

5. An act for giving further time to *John* lord bishop of *Chichester*, and his successors, to make leases of certain houses and ground in and near *Chancery Lane*, belonging to the bishoprick of *Chichester*.

6. An act to enable Sir *Edward Williams* to sell certain manors and lands in the counties of *Brecon* and *Radnorshire*, for payment of debts.

7. An act for the better collecting the duties granted for making the way out of *Chancery Lane* into *Lincoln's Inn Fields*, and for determining the said duties when the parties concerned are paid.

8. An act to enable the surviving trustees and executors of the last will and testament of *Thomas Fane*, esq; deceased, to pay an annuity unto *Mildmay Fane*, esq; for his maintenance and education, until he shall attain his age of one and twenty years.

9. An act to enable *Richard* lord *Bulkeley* viscount *Casbels* in the kingdom of *Ireland*, and *Richard Bulkeley*, esq; his son, to make a settlement upon the marriage of the said *Richard Bulkeley*.

10. An act for confirming and establishing a partition made by Sir *Edmund Fowler*, knight, and dame *Anne* his wife, and *Elizabeth Buggin*, widow, of certain manors and lands in

- in the county of *Kent*, in the year one thousand six hundred thirty four.
11. An act for the incorporating certain persons, for the better providing for, and setting at work the poor in the city of *Gloucester*.
 12. An act to enable *Andrew Hackett*, esq; to dispose of several messuages and lands in the counties of *Stafford* and *Warwick*, and city of *Litchfield*, for making provision for his younger children, upon settling another estate in *Stroxtan* in the county of *Lincoln*, of better value, to the same uses as the messuages and lands in the counties of *Stafford* and *Warwick*, and city of *Litchfield* were settled.
 13. An act for making provision for the younger children of *Jonathan Castleman* of *Couberty* in the county of *Gloucester*, esq; and for supplying an omission in his father's will of a power for making leases.
 14. An act to enable *William Coleman*, esq; and others, to make sale of lands for payment of the debts and legacies of *William Stawell*, deceased.
 15. An act for the vesting of the several manors, messuages, lands, and hereditaments, in the county of *Essex*, late belonging to *John Cowper*, gent. deceased, in trustees, to be sold for better payment of his debts and legacies charged thereupon.
 16. An act for the better settling the real and personal estate of *John Goddard*, esq; deceased, to and for the benefit of *John Goddard* his son, *Mary Goddard* his daughter, infants, during their minority.
 17. An act for confirming the division of a third part of the manor of *Burton Dasset* in the county of *Warwick*, heretofore made by the owners thereof.
 18. An act to enable the executrix of *James Hoare*, esq; deceased, to pay a sum of money in discharge of a trust in her reposed by his will.
 19. An act to enable *Charles Aldworth*, esq; to sell lands and tenements for payment of his father's debts, and his sisters portions.
 20. An act for sale of part of the estate of *Charles Morris*, esq; for the payment of debts charged thereupon, and for the making provision for his younger children.
 21. An act for the better improving a certain piece of ground in the parish of *St. Martin in the Fields*, for the use of the poor, and for other purposes therein mentioned.
 22. An act to enable the devisees of *James Supple*, and all claiming under them, to make leases for the improvement of the estate devised.
 23. An act concerning the exchange of certain lands lying in or near *Brampton* in the county of *Northampton*, for lands lying in or near *Wickham* in the county of *Lincoln*.
 24. An act for the better execution of the will of *John Loane*, esq; deceased, and for sale of part of his estate to pay his debts and legacies for preserving the residue thereof.
 25. An act for sale of divers lands in the county of *Kildare*, and kingdom of *Ireland* (being the estate of *Agmondisham Vesey*, esq; and his two daughters, *Anne Vesey*, and *Henrietta Vesey*) for the paying of debts, and clearing incumbrances charged thereon, and also for empowering the said *Agmondisham Vesey* to make leases for any term, not exceeding one and twenty years.
 26. An act for sale of several estates for payment of debts charged thereupon, and for disposing of the residue of the money at interest, for the benefit of *Giles Loane*, and other infants, pursuant to their father's will.
 27. An act to enable *John Arderne*, esq; to pay his father's debts, and make

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- make provision for his brothers and sister.
28. An act for raising fifteen hundred pounds by mortgage of lands in the county of *Dorset*, for payment of debts, and for a further provision and maintenance for the younger children of *Philip Caldicott*, esq;
29. An act for charging the estate, late of *Thomas Lyfter*, esq; deceased, with maintenances for his nine younger children.
30. An act for setting aside a settlement, in order that *William Butler* may have a good conveyance of lands from *Raphael Whistler*, according to the articles agreed on.
31. An act for vesting divers lands and tenements of *Edward Owen* of *Eaton Mascot* in the county of *Salop*, esq; in trustees, to be sold for payment of his debts.
32. An act for vesting certain messuages, lands, and hereditaments of *Toby Hodson* the elder, esq; a lunatick, in trustees, for payment of his debts, and making provision for himself, his wife, and only son.
33. An act for naturalizing *Nicholas Wayfoort*, *Peter L. Blanc*, and *Jacob Sanderfelt*.

END of the TABLE.

THE STATUTES at Large, &c.

Anno Regni GULIELMI III. octavo.

AT the parliament begun at Westminster the two and twentieth day of November, Anno Dom. 1695. in the seventh year of the reign of our sovereign lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations and adjournments to the twentieth day of October, 1696, being the second session of this present parliament.

CAP. I.

An act for importing and coining guineas and half guineas.

WHEREAS by an act made in the first session of this present ^{7 & 8 W. 3.} parliament, intituled, An act for taking off the obligation ^{c. 13.} and encouragement of coining guineas for a certain time therein mentioned, it is enacted, That from the second day of March, in the ^{18 Car. 2. c. 5.} year of our Lord one thousand six hundred ninety five, until the first ^{25 Car. 2. c. 8.} day of January then next following, there shall not be any obligation ^{1 Jac. 2. c. 7.} of receiving into his Majesty's mint or mints, to be coined, any gold ^{4 & 5 W. & M.} whatsoever; nor shall the officers of his Majesty's mints be obliged to ^{c. 24.} coin any gold within the time aforesaid, for any person whatsoever; ^{6 & 7. W. 3.} and that the recompences appointed by the statute made in the eighteenth ^{c. 17.} year of the reign of King Charles the Second, and other subsequent ^{7 W. 3. c. 1.} statutes, for encouragement of coinage, shall be applied to the use of the ^{7 & 8 W. 3.} silver mints. And it is also thereby further enacted, That from and ^{c. 19.} after the said second day of March, until the said first day of January, it shall not be lawful for any person or persons whatsoever to im- ^{8 & 9 W. 3.} port guineas or half guineas into this kingdom, upon any pretence what- ^{c. 8. f. 26.} soever, upon forfeiture of the said guineas or half guineas. And where- ^{9 & 10 W. 3.} as the reason of making the said act was occasioned by the high and un- ^{c. 21.} usual price of guineas, which might in the end be very prejudicial to the ^{12 & 13 W. 3.} subject: but the said price of guineas being now reduced to or near the ^{c. 11.} standard, and sundry persons being desirous to coin gold, and also to ^{1 Annæ, stat. 1.} import great quantities of guineas and half guineas, which will be ve- ^{c. 9.} ry beneficial to the trade and commerce of this kingdom: for the en- ^{4 Annæ, c. 23.} couragement whereof, ^{7 Annæ, c. 24.} ^{1 Geo. 1.} ^{stat. 2. c. 43.} ^{9 Geo. 1. c. 19.}

VOL. X.

B

II. Be

7 & 8 W. 3.
c. 13. relating
to the coining
of guineas re-
pealed.
Exception.
Guineas and
half guineas to
be freely im-
ported.

II. Be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said act, and every clause, matter and thing, therein contained (other than what relates to the recompences by the said act appointed to be applied to the silver mints, and what concerns the royal *African* company) be and are hereby repealed and utterly made void, to all intents and purposes; and that all and every person and persons may freely import into this kingdom guineas and half guineas, as they might or usually did before the making the said act for prohibiting the same.

One or more
mills to be for
the coinage of
gold.

III. And be it further enacted by the authority aforesaid, That the master and worker and other officers of his Majesty's mint in the tower of *London*, shall, on or before the tenth day of *November*, one thousand six hundred ninety six, prepare and set apart one or more mill or mills, prefs or presses, with other conveniencies, to be in the first place employed in the coinage of gold, which shall be brought thither by any person or persons, native or foreigner, to be received in, coined, and delivered out, in such manner, course, and order, as by the aforesaid statute made in the eighteenth year of King *Charles* the Second is directed and appointed; so that the course in coinage of gold and silver be kept in distinct accounts, and not interfere one with another, either in receiving into, or delivering out of his Majesty's said mint, and that such coining and delivering out gold in a distinct course, according to the time of bringing in the same, although there be silver remaining there uncoined, shall not be interpreted any undue preference, to incur any penalty in point of delivery of money coined; any thing in the said statute of the eighteenth of King *Charles* the Second, or other statute, to the contrary thereof notwithstanding.

18 Car. 2 c. 5.
Coinage of
gold and silver
to be kept in
distinct ac-
counts.

CAP. II.

An act for the further remedying the ill state of the coin of the kingdom.

EXP.

WHEREAS great mischiefs and inconveniencies have fallen upon this kingdom, by the frequent counterseiting, clipping, and other unlawful diminishing the current coin of this kingdom; for the remedying whereof for the future, it is thought necessary that all the hammered silver coin of this kingdom should be recoined by the mill and press, which will be less subject to those pernicious and destructive methods of clipping and counterseiting; and that in the mean time, to put a stop to the further clipping such hammered money, the same should not be current in payment, otherwise than is hereafter mentioned, &c. *EXP.*

By 9 W. 3. c. 2.
s. 1. no ham-
mered silver
coin shall be
current.

Hammered silver money brought to the mints before 1 July, 1697. to be received at 5 s. 4 d. per ounce. Hammered coin to be taken for taxes on loans, &c. at 5 s. 8 d. an ounce. After 1 Decemb. 1696. no hammered silver coin to be current, except by weight. Broad hammered money may be received before 18 Nov. 1696. by tale for taxes, &c. Collector, &c. on oath may pay the same by tale till 18 Decemb. 1696. Commissioners, &c. to have till 10 Jan. 1696. to pay the said hammered monies into the Exchequer,

quer, and make oath the same was received by tale, &c. Hammered money to be melted down, and coined by the mill. New money to be brought back into the Exchequer, and appropriated for repayment of loans, &c. and not divertible. Money for taxes at 5 s. 8 d. an ounce to be recoined at the next adjacent mint, &c. Collectors of the toll for making navigable the rivers Wye and Lugg, may before 1 June, 1697. receive the same in hammered money at 5 s. 8 d. an ounce, &c.

C A P. III.

An act to explain that part of the act passed the last session of parliament, for laying several duties on low wines, and spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise, which relates to the payment of tallies and the interest thereof.

WHEREAS in and by one act made and passed in the parliament holden at Westminster, in the seventh and eighth years of his Majesty's reign, intituled; An act for laying several duties upon low wines or spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise, it was (amongst other things) enacted, That weekly, and every week, from and after the twentieth day of April, one thousand six hundred and ninety six, the sum of six thousand pounds out of the particular branches or duties of excise, therein mentioned, which are commonly called the hereditary and temporary excise, or either of them, should be paid and applied, and is thereby appropriated to and for the payment and satisfaction of such tallies of pro or assignment, or other tallies, as in the said act were mentioned to be already levied, and to be then remaining unsatisfied on the said particular branches of excise, or either of them, and the interest thereof, not exceeding the rate of six pounds per centum per annum, until the same should be paid off, and that from and after the full satisfaction thereof, the like weekly sum should be paid and applied, and is thereby appropriated to, and for the repayment and satisfaction of such further sums, not exceeding four hundred thousand pounds, as by or upon the credit of that act should be borrowed or charged thereupon, and such interest for the same, as is therein mentioned, so as that the tallies for the principal sums respectively should be paid in course, according to their respective dates, until the same should be fully discharged and paid off, and the interest upon every such tally should be paid every three months, until the satisfaction of the principal. And it was thereby further enacted, That weekly, and every week, from and after the said twentieth day of April, the sum of six hundred pounds out of the revenue of the general letter-office or post-office should be paid and applied, and is thereby appropriated for payment of such tallies of pro or assignment or other tallies, as in the said act were mentioned to be already levied, and to be then remaining unsatisfied on that revenue, and the interest thereof, not exceeding the rate of six pounds per centum per annum, until the same should be fully paid off; and from and after the satisfaction thereof, then the like weekly sum out of that office is to be paid and applied for satisfaction of such further sums,

B 2 not

not exceeding forty five thousand pounds, as by or upon the credit of that act should be borrowed or charged thereupon, with interest, as is therein mentioned, so as that the tallies for the principal sums respectively should be paid in course, according to their respective dates, until the same should be fully discharged and paid off; and the interest upon every such talley should be paid every three months, until satisfaction of the principal, as by the said act more largely appears.

Doubts arisen
about pay-
ment of tallies.

II. And whereas some doubts have arisen whether several of the tallies which were levied upon the said respective branches or revenues, between the two and twentieth day of November, one thousand six hundred ninety five (being the first day of the session in which the said act passed) and the four and twentieth day of June, one thousand six hundred ninety six, can or may be paid out of the same revenues appropriated by the said act in course, according to their respective dates, in regard they were not levied before the said two and twentieth day of November, one thousand six hundred ninety five, or by virtue of the said act, or upon the weekly sums thereby appropriated, and whether the interest of the said tallies levied between the said two and twentieth day of November, one thousand six hundred ninety five, and the said four and twentieth day of June, and the interest of the tallies levied or to be levied for the said sum, not exceeding four hundred thousand pounds, can or may be paid out of the said six thousand pounds a week first mentioned in and appropriated by the said act, until the tallies levied before the said two and twentieth day of November, one thousand six hundred ninety five, and the interest thereof, shall be paid and discharged.

All tallies of
pro, &c. charg-
ed on weekly
payments out
of the excise,
to be satisfied
in course,
without undue
preference.

III. For the obviating and clearing of which doubts, and for the better explanation of the said act of parliament, in relation to the payment of the said several tallies, and the interest thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all the tallies of *pro*, or other tallies which have been levied, and are charged upon the said hereditary and temporary excise, or either of them, or upon the said weekly sums of six thousand pounds payable thereout, shall be duly paid and satisfied in course, according to their respective dates, and not otherwise, out of all the weekly sums of six thousand pounds a week, appropriated as aforesaid, until they shall be fully satisfied, without giving any undue preference, by paying any talley or tallies of subsequent date or dates, before tallies of preceding date or dates, unless in cases where money is reserved for payment of the preceding tallies according to the true intent and meaning of the said act; and that the interest of all the said tallies in course, shall be paid and payable every three months out of all the said weekly sums of six thousand pounds a week; and that all the tallies of *pro*, or other tallies which have been levied, and are charged upon the said revenue of the post-office, or upon the said weekly sum of six hundred pounds appropriated thereout shall be in like manner duly paid and satisfied in course, according to their respective dates, and not otherwise,

Interest to be
paid in course
every 3
months.
Tallies charg-
ed on the
weekly reve-
nue of the

wife, out of the said weekly sums of six hundred pounds a week, appropriated as aforesaid, until they shall be fully satisfied, and without giving any undue preference, as aforesaid; and that the interest of the tallies last mentioned shall be likewise paid and payable every three months, out of all the said weekly sums of six hundred pounds a week; and that for any offence or neglect in not duly paying the principal and interest, or any part thereof, or giving any undue preference, contrary to the true meaning of this act, the respective commissioners, or other officers or persons who shall be guilty thereof, shall incur the same penalties or forfeitures, as by the said recited act are prescribed in the like case or cases for any such offence; any thing in this or the said recited act to the contrary notwithstanding.

post-office, to be paid in like manner.

Penalty on officers offending.
Their debts are taken into the South Sea by the stat. Ann.

C A P. IV.

An act to attain Sir John Fenwick baronet of high treason.

WHEREAS Sir John Fenwick baronet was, upon the oaths of George Porter esquire, and Cardell Goodman gentleman, at the sessions of oyer and terminer held for the city of London, on the eight and twentieth day of May, one thousand six hundred ninety six, indicted of high treason, in compassing and imagining the death and destruction of his Majesty, and adhering to his Majesty's enemies, by consulting and agreeing with several persons (whereof some have been already attainted, and others not yet brought to their trial for the said treasons) at several meetings, to send Robert Charnock, since attainted and executed for high treason, in conspiring to assassinate his Majesty's sacred person (whom God long preserve) to the late King James in France, to incite and encourage the French King to invade this kingdom with an armed force, by promising to join with, and assist him with men and arms upon such invasion; of which treasons the said Sir John Fenwick is guilty. And whereas the said Sir John Fenwick did obtain his Majesty's favour to have his trial delayed from time to time, upon his repeated promises of making an ingenuous and full confession of his knowledge of any design or conspiracy against his Majesty's person or government, and of the persons therein concerned. And whereas he has so far abused his Majesty's great clemency and indulgence therein, That instead of making such confession, he hath contrived and framed false and scandalous papers, as his informations, reflecting on the fidelity of several noble peers, divers members of the house of commons, and others, only by hearsay, and contriving thereby to undermine the government, and create jealousies between the King and his subjects, and to stifle the real conspiracy. And whereas Cardell Goodman, one of the witnesses against the said Sir John Fenwick to prove the said treason; lately and since the several times appointed for the trial of the said Sir John Fenwick, at one of which times the said Sir John Fenwick had been accordingly tried, had it not been for the expectation of the said discoveries so often promised by him, is withdrawn, so that the said Cardell Goodman cannot be had to give evidence upon any trial: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and

Sir John Fenwick attainted of high treason.

son, and to
suffer death.

commons in this parliament assembled, and by the authority of the same, That the said Sir *John Fenwick* be, and is hereby convicted and attainted of high treason, and shall suffer the pains of death, and incur all forfeitures as a person attainted of high treason.

C A P. V.

An act to attaint such of the persons concerned in the late horrid conspiracy to assassinate his Majesty's royal person, who are fled from justice, unless they render themselves to justice, and for continuing several others of the said conspirators in custody.

WHEREAS in the months of January and February last, there was a horrid and detestable conspiracy formed and carried on by papists, and other wicked and traitorous persons, to assassinate and destroy the royal person of our most gracious King William (whom God long preserve) which conspiracy, had not God Almighty in his great mercy prevented the execution thereof, had deprived these kingdoms of the enjoyment of their liberties and religion, involved them in blood and ruin, and subjected the people thereof to the bondage and oppression of popery and tyranny; for which execrable and bloody treason several of the conspirators have been apprehended, justly condemned, and executed, and have upon their deaths fully owned the truth of the accusations against them, and their being engaged in the said wicked conspiracy; and several others, herein after named, being charged upon oath before one or more of his Majesty's justices of the peace, of having been privy to, and engaged as principal contrivers of, and actors in, the said intended assassination, notwithstanding several proclamations issued against them, have not rendered themselves, nor have been yet apprehended, but are fled from justice: therefore to manifest the just indignation we your Majesty's most loyal subjects, the lords spiritual and temporal, and commons in parliament assembled, have against so barbarous and villainous a design, and the great tenderness and regard we bear for the preservation of your Majesty's royal person and government, to whom next under God we owe the recovery of our religion and liberties, when they were so near expiring under the prevailing influence of popery and arbitrary power, and the continuance and enjoyment thereof at present, and that none of the said conspirators by flying from the ordinary course of justice may escape punishment, which would be too great an encouragement to other wicked and rebellious persons to enter into the like conspiracies hereafter, do humbly beseech your Majesty that it may be enacted: and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by the authority of the same, That if Sir *George Barclay* knight, *Johnson* alias *Harrison*, *Durant* alias *Durance*, *Michael Hare*, major *George Holmes*, *Philip Hanford* alias *Browne*, *Richard Richardson*, *John Maxwell*, *Bryerly*, *Plowden*, *Hungate*, shall not on or before the five and twentieth day of *March*, in the year of our Lord one thousand six hundred ninety seven, render

Conspirators
names.

Not rendering
themselves by
s 5 Mar. 1697.

render themselves to the lord chief justice of his Majesty's court of King's bench, or to one of his Majesty's principal secretaries of state, in order to their trials for the treason aforesaid, That then such of them the said *George Barclay* knight, *Johnson* alias *Harrison*, *Durant* alias *Durance*, *Michael Hare*, major *George Holmes*, *Philip Hansford* alias *Browne*, *Richard Richardson*, *John Maxwell*, *Bryerly*, *Plowden*, *Hungate*, as shall not so render him or themselves, as aforesaid, shall stand and be convicted and attainted, and are hereby convicted and attainted of high treason, and shall suffer the pains of death, and incur all forfeitures, penalties and disabilities as traytors convicted and attainted of high treason.

II. And wheas the persons hereafter named, viz.

Counter, *John Bernardi*, *Robert Cassels*, *Robert Meldrum*, *James Chambers*, and *Robert Blackbourne*, have been committed, and are still in custody in *Newgate* for the said conspiracy and treason: be it enacted by the authority aforesaid, That the said *Counter*, *John Bernardi*, *Robert Cassels*, *Robert Meldrum*, *James Chambers* and *Robert Blackbourne*, and such other persons who shall hereafter render themselves, or shall be apprehended, and against whom there shall be evidence upon oath of their being concerned in the said barbarous and bloody conspiracy of assassinating the person of his sacred Majesty, shall be detained and kept in custody without bail or mainprize, until the first day of *January*, which shall be in the year of our Lord one thousand six hundred ninety seven, unless they shall be sooner bailed by order of council, signed by six of his Majesty's most honourable privy council.

CAP. VI.

An act for granting an aid to his Majesty, as well by a land tax, as by several subsidies and other duties, payable for one year.

EXP.

Anno octavo & nono GULIELMI III.

CAP. VII.

An act for granting to his Majesty several duties upon paper, vellum, and parchment, to encourage the bringing of plate and hammered money into the mints to be coined. *The moneys arising by this act being deficient are supplied hereafter. See 1 Anna, stat. 1. cap. 13. s. 17.*

EXP.

CAP. VIII.

An act for encouraging the bringing in wrought plate to be coined.

FOR the better encouragement of such persons as have or shall have any kind of wrought plate, to bring the same to be coined into the lawful coins of this realm; and to the end the species of lawful moneys may be increased, for the advantage of commerce and other publick affairs; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That any person or persons, natives or foreigners, bodies politick or corporate, that shall either by themselves, or by their servants or others that they respectively shall intrust in that behalf, bring or carry any wrought plate to the mints to be coined.

coined between 1 Jan. 1696. and 4 Nov. 1697, to receive for the same 5s. 4d. an oz.

Master, &c. of the mints required to receive such wrought plate, and pay for the same at the rate aforesaid, &c.

plate of any sort or kind whatsoever, at any time or times, between the first day of *January*, one thousand six hundred ninety six, and the fourth day of *November*, one thousand six hundred ninety seven, either into his Majesty's mints, or any of them within this realm of *England*, or to such person or persons, as by his Majesty, under his royal sign manual, shall be authorized to receive the same, shall be then and there paid for such plate, at the rate of five shillings and four pence for every ounce, to be reckoned and allowed, as is herein after mentioned; and that the master and worker of his Majesty's mints, his deputy or deputies, or such other person or persons as shall be thereunto authorized, as aforesaid, shall, and by this act they are severally required and enjoined to receive all such wrought plate as shall be so brought in, and which shall plainly appear to have thereupon the mark commonly used at the hall, belonging to the company of goldsmiths in *London*, besides the workman's mark, as sterling silver, and the price thereof shall be reckoned, allowed and paid for at the said rate of five shillings and four pence an ounce, without tarrying till it be melted and essayed; and in all cases where the wrought plate so brought shall not have the said marks thereupon, then the party bringing the same shall have it in his or her election, either to have the quantity of sterling silver contained therein (according to which the said rate is to be allowed) to be determined and adjusted by the master and worker of the mint, his deputy or deputies, or by such other person authorized to receive the same, as aforesaid, who shall declare the said quantity of sterling silver upon his oath, according to the best of his skill and judgment, and make the said allowance accordingly; or if the said party bringing such plate shall not declare himself or herself willing that the said officer of the mint, or such other person, to be authorized as aforesaid, should determine upon oath the said quantity of sterling silver in his or her plate, or shall forthwith, after such determination made, declare him or her self to be injured thereby, that then and in every such case the said party bringing such plate shall have the same forthwith melted and essayed, and shall be allowed after the said rate of five shillings and four pence an ounce for every ounce of sterling silver which shall be found therein.

Master, &c. of the mints before they act shall take the oath following.

II. And be it further enacted by the authority aforesaid, That the said master and worker of the mint, his deputy or deputies for receiving of the said plate, and such other persons as shall be authorized by his Majesty's royal sign manual, as aforesaid, before such times as he or they respectively shall intermeddle in the receiving or taking in any plate, by virtue of this act, shall severally take their corporal oath in the form or to the effect following:

I A. B. do solemnly promise and declare, That in all cases where (in pursuance of the act of parliament in this behalf) I am to determine or declare the quantity of sterling silver contained in any wrought plate

plate that shall be brought to me, I will faithfully and impartially declare and determine the same, and the allowance which is to be made for such plate, by virtue of the said act, according to the best of my skill and judgment, without any covin or malice, and without any favour or affection; and that in my accounts, and in all other matters and things to be done and performed by me, in relation to the said act of parliament, I will faithfully and honestly perform the trust in me reposed.

So help me God.

III. Which oath shall and may be administered by any one or more of the commissioners of his Majesty's treasury, or the high treasurer for the time being, or by any of his Majesty's justices of the peace, who shall give the officer or person taking such oath, a certificate of the same in writing.

Commissioners, &c. may administer the oath.

IV. And be it further enacted by the authority aforesaid, That the said officer of the mints, his deputy or deputies, and the said persons so authorized by his Majesty's royal sign manual, to receive and take in plate, as aforesaid, shall, in books to be by them kept for that purpose, make fair entries of the names of the bringer or owner of the said wrought plate, and of the true weight of the same in sterling silver, and the value thereof, to be computed at the said rate of five shillings and four pence for every ounce; and that the persons so authorized by his Majesty's royal sign manual, as aforesaid, shall within every seven days carry, or cause to be carried, all the plate so by them respectively taken in and received, to the next mint or mints, where the same, together with all other the plate which shall be brought into the said mints directly in pursuance of this act, as aforesaid, shall forthwith be coined into the lawful coins of this kingdom, and the coining thereof shall not be delayed by reason of any course prescribed in the mint for coining of other silver; and the new moneys proceeding from any plate brought in, as aforesaid, together with such other moneys as shall be appropriated or appointed for this service, shall be applied from time to time to pay for any plate that shall be brought in pursuant to this act.

Officers of the mints to make entries of the owners names, weight and value of the plate so brought into the mint, to be coined within 7 days after.

New moneys, &c. to pay for plate so brought in.

V. And be it further enacted by the authority aforesaid, That the master and worker of his Majesty's mints, or his respective deputies or persons employed by him, and also the several persons to be authorized by his Majesty's royal sign manual, as aforesaid, shall, out of the money which shall be imprested or paid to them respectively for this service, or out of the new money which shall proceed from plate to be brought in by virtue and in pursuance of this act, as aforesaid, pay and satisfy to the respective bringers of the said plate, the said allowance of five shillings and four pence by the ounce for the same, which payments at the time of the bringing in of the said plate, shall be made to the owners or bringers of the same, by the officers appointed to receive such plate as aforesaid, having money in his or their hands for that purpose.

Master of the mints, &c. to pay the bringers of such plate 5 s. 4 d. an oz.

VL And

VI. And be it further enacted by the authority aforesaid, That in every city, town or place where a mint is, or shall be established or employed for the coining of the said plate, and for the recoining of hammered money, or either of them, and in every city, town or place where a publick office shall be appointed by his Majesty for the taking in of wrought plate, as aforesaid, the master or worker of such mint or mints, his deputy or deputies, or the persons so to be appointed for such publick offices respectively, shall once in every fourteen days, during the continuance of the said service, cause publication to be made in writing, to be openly affixed and exposed, whereby all persons concerned may be informed of the quantities of wrought plate or hammered money so brought in, how much thereof shall respectively from time to time have been made into new moneys, and how much thereof shall then remain in the mint, or such publick office not coined, under the penalty of forfeiting the sum of twenty pounds to any person or persons that shall sue for the same, and to be recovered by action of debt or of the case, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no esoin, protection, wager of law, or more than one imparlance shall be granted or allowed; any thing in this act contained to the contrary in any wise notwithstanding.

Master of every mint, &c. once in 14 days shall affix a writing what quantities of plate, &c. are made into new monies.

Penalty.

No deduction for loader, unless in any hollow part of the plate.

Commissioners of the treasury may advance 50000 l. out of unappropriated moneys.

and to be part of the sum of 125000 l.

VII. Provided always, and be it enacted by the authority aforesaid, That all such wrought plate that shall be brought in pursuant to this act, whereon there shall be the marks before appointed to be on the same, shall be received by the person or persons empowered by this act to receive such wrought plate, as sterling silver, without making any deduction for loader, unless for such loader as shall be in any hollow part of the said plate.

VIII. And to the end a sum of ready money may the more speedily be provided to pay for wrought plate which shall be brought in pursuant to this act, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the lord treasurer, or any three or more of the commissioners of the treasury for the time being, out of any money that is or shall be advanced or lent to his Majesty, upon the credit of any aid, fund or revenue whatsoever (not being the money appropriated to the repayment of the principal or interest of loans, or to the satisfaction of any bills of credit established by act of parliament) to issue and apply any sum or sums of money, not exceeding the sum of fifty thousand pounds, for and towards the payment of the said rate or allowance of five shillings and four pence an ounce for plate, and the charges of taking in and coining the same; which sums so issued and applied, shall be reckoned to be part of the sum not exceeding one hundred twenty five thousand pounds, for coining of hammered money and plate, and charges thereunto incident; any thing herein, or in any former act of parliament contained to the contrary notwithstanding.

IX. And

IX. *And whereas it may reasonably be suspected, that part of the silver coins of this realm hath been by persons regarding their own private gain more than the publick good, molten and converted into vessels of silver or other manufactured plate, which crime hath been the more easily perpetrated by them, in regard the goldsmiths or others, workers of plate, by the former laws and statutes of this realm, are not obliged to make their plate of finer silver than the sterling or standard ordained for the monies of this realm; be it therefore enacted by the authority aforesaid, That from and after the five and twentieth day of March, one thousand six hundred ninety seven, no goldsmith, silversmith, or other person whatsoever, shall work or make, or cause to be wrought or made, any silver vessel, plate, or manufacture of silver, less in fineness than that of eleven ounces and ten penny weight of fine silver in every pound troy, nor put to sale, exchange, or sell, any silver vessels, plate, or manufacture of silver made after the said five and twentieth day of March, (unless it be silver wire, or such things as in respect of their smallness are not capable of receiving a mark) until such time as such vessel, plate, or manufactured silver, shall be marked as followeth (that is to say) with the worker's mark, to be expressed by the two first letters of his surname, the marks of the mystery or craft of the goldsmiths, which, instead of the leopard's head and the lion, shall for this plate be the figure of a lion's head erased, and the figure of a woman, commonly called *Britannia*, and a distinct variable mark to be used by the warden of the said mystery, to denote the year in which such plate is made; upon pain that all such silver vessels, plate, or other manufactured silver, which shall be made, exposed to sale, sold, or exchanged, contrary to this act, or the value thereof, shall be forfeited, the one half thereof to the King, and the other half thereof to such person or persons that will seize or sue for the same, to be recovered by action, bill, suit, or information, in any court of record, wherein no essoin, protection, wager of law, or more than one imparlance shall be admitted: and if any silversmith, goldsmith, or other person, shall after the said five and twentieth day of March make any silver vessels, plate, or manufactured silver, contrary to this act, and the same shall be touched, marked, or allowed for good by the wardens or masters of the said mystery, or those authorized or employed by them for the assaying and marking of plate, and if in the same there shall be found any falsehood or deceit; then the wardens and corporation of that mystery, for the time being, shall forfeit and pay the value of the plate so deceitfully marked, the one half thereof to the King, and the other half to any person or persons that shall buy the same, and be grieved thereby, to be recovered, as aforesaid; any thing in this or any former act or acts of parliament contained, or any other order or provision heretofore made, to the contrary notwithstanding.*

X. *And whereas several persons who are possessed of plate, who are or shall be assailed by an act, intituled, An act for granting an aid to his Majesty, as well by a land tax, as by several subsidies*

From 25 March, 1697. no silver plate to be of less fineness than 11 ounces 10 penny wt. to a pound troy, except silver wire, &c. not markable. *Plate, how to be marked.* By 6 Geo. 1. c. 11. s. 11. & 41. the old and new standard are both established.

Penalty on wardens and masters of the mystery allowing plate for good contrary to this act.

Collectors may
receive the
land tax in
wrought plate
at 5s. 4d. an
oz. &c. before
1 Jan. 1697.

dies and other duties payable for one year, for or in respect of their manors, lands, tenements, rents, offices, persons, stocks, debts, or other matters or things charged by the said act, or shall be charged by other act or acts that shall be passed this sessions of parliament, and may be willing and desirous to pay or satisfy in wrought plate, having the hall-mark, at the rate of five shillings and four pence an ounce, all or several of the monthly payments by the said act intended to be satisfied by them, and all other payments that shall become due by any act or acts that shall be passed this sessions of parliament, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, at any time before the first day of June, one thousand six hundred ninety seven, to satisfy and pay the respective collector or collectors, in such wrought plate, at such rate, as aforesaid, without any deduction for loader, unless for such loader as shall be in any hollow part of the said plate, all or any such monthly or other payments assessed upon him, her or them, for the said whole year, or for any months thereof, before hand, which said collectors are hereby enjoined and required upon every such payment so made before hand, to give the party or parties paying the same an acquittance, expressing the sum received for such monthly or other payments for the respective manors, lands, tenements, rents, offices, persons, stocks, debts, or other matters or things for which such payments shall be so made; and every such acquittance shall be a good discharge against his Majesty, his heirs and successors, as if the sums chargeable by the said act on such manors, lands, tenements, rents, offices, persons, stocks, debts, or other matters or things were assessed or answered at such several and respective monthly or other payments, as aforesaid; any thing in the said act contained to the contrary notwithstanding.

Hammered
current money
at 5s. 2d. an
oz. and
wrought plate
to be melted
down, and
coined into
new money,
&c.

XI. And to the end that such hammered silver coin of this kingdom as is made current in payments at the rate of five shillings and two pence by the ounce troy, and is and shall be from time to time brought and paid into the receipt of his Majesty's Exchequer at that rate, may be recoined, and that all such plate as is authorized by this act, to be received at the rate of five shillings and four pence an ounce, until the said first day of June, one thousand six hundred ninety seven, for the aid, subsidy or other payments aforesaid, may also be converted into the lawful coins of this realm, be it further enacted by the authority aforesaid, That all such hammered silver coin or plate so received, or to be received, shall from time to time, by the direction of the commissioners of his Majesty's treasury, or any one or more of them now being, or the high treasurer, or any one or more of the commissioners of the treasury for the time being (who have hereby full power and authority given them in that behalf) be melted down and cast into ingots, and delivered into his Majesty's mint or mints, by indentures with the master and worker of the mints, to be there reduced to sterling, and coined by the mill and press, into the lawful coins of this realm; and that all the

the new money proceeding from such ingots (except the necessary charge of making the new money, and of melting and refining the silver) shall from time to time, by the like direction, be applied and placed to the respective accounts of the particular revenues, taxes, loans or other branches to which the said hammered monies or plate respectively did belong, and shall be issued, paid out, and disposed accordingly, so far as it will extend, at the receipt of Exchequer, for payment of principal, interest, annuities or other uses, or by the respective receivers general upon bills of credit in such and the like course, order, manner and form as ought to have been observed in case the receipt or collection in plate or such hammered money had been made in the lawful and current monies of this realm, and so as that in all cases where any of the said hammered money, or the money for which such plate shall be received, were appropriated by any act or acts of parliament for satisfaction of loans or annuities, or for payment of bills of credit, or for any other uses, the new monies coming instead thereof (so far as the same will extend) shall be appropriated, issued and applied to the same respective uses, and in the same course and order as are prescribed by such acts, without being diverted or divertible to any other use, or being misapplied, under the penalty of incurring the same forfeitures and disabilities by the officers of the Exchequer, receivers general, and other persons concerned therein, as they would have incurred for diverting or misapplying the lawful and current monies of such taxes or revenues, or other branches respectively.

8 & 9 W. 3.
c. 6.

CAP. IX.

An act to restore the market at Blackwell Hall to the clothiers, and for regulating the factors there.

FOrasmuch as of late years, by the great increase of the factors of Blackwell Hall in the city of London, and by the advantages given them by the governors of the said hall, not only in assigning them the most convenient lights, but permitting them to hire warehouses in the said hall to their own uses, into which they enter upon those days that are no market days, and carry the clothiers cloths thence, and expose them to sale in a clandestine manner in their own houses, whereby great inconvenience and discouragement hath accrued to the clothing trade, on which the welfare of this nation very much depends: For remedy hereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, which shall be in the year of our Lord one thousand six hundred ninety seven, the governors of Blackwell Hall, and their deputies, shall strictly perform, observe, and keep the set times and rules herein after limited and appointed for the exact keeping and government of the publick market of Blackwell Hall, that is to say, The said market shall be

Governors of
Blackwell Hall
to observe the
rules hereby
limited.

g n

When the market is to be held.

Market bell to be rung in the hall.

No cloth to be sold in the hall on other days under a penalty.

Governors to appoint room in the hall to shew cloth, and warehouse room, paying duty.

No factor, except the owner, to sell cloth out of the market.

Penalty.

Hall keepers, to observe all rules, and orders, and keep a weekly register, &c. Owners and buyers names, &c. to be entered, with the time of sale.

Penalty on hall-keeper, &c. neglecting his duty.

gin and be held on every *Thursday, Friday, and Saturday*, from eight of the clock in the forenoon, until twelve a clock in the same forenoon, and from two of the clock in the afternoon, until five a clock in the same afternoon; and that the said hours, for the beginning and ending of the said markets, shall be known by the ringing of the market bell in the hall aforesaid, appointed for that use and purpose; and the same to be held and continued weekly throughout the whole year, except days of humiliation or thanksgiving appointed to be otherwise set apart by act of parliament, or publick authority; and the keepers of the said hall shall not permit or suffer any buying or selling of any woollen cloth at the said hall, in or upon any other days or hours, than upon the market days and hours appointed, as aforesaid, upon the penalty of one hundred pounds.

II. And be it further enacted by the authority aforesaid, That the governors of *Blackwell Hall*, and their deputies, shall set forth and appoint unto the clothiers of all counties, that shall bring up cloth to sell at the said publick market, the most convenient room in the said hall for the sale of their cloth, and likewise warehouse room for the lodging and safe keeping of any cloth of the said clothiers unfold, the clothiers or their servants paying unto the hall-keepers the ancient duties of the said hall, and no more.

III. And for the further encouragement of the said publick market, be it enacted by the authority aforesaid, That no factor or any person or persons whatsoever, other than the owner of the cloth, shall sell, cause to be sold, or expose to sale, out of the said market of *Blackwell Hall*, any cloth consigned or directed by the owner thereof to be brought to the said market of *Blackwell Hall*, or to any factor there, to be sold, upon the penalty of five pounds for every such cloth so sold.

IV. And be it further enacted, That the hall-keepers, clerks, and master-porters of the said hall, so far as they are hereby concerned, shall take care that all the rules and orders appointed to be observed by this act, in every branch of it, be put in execution; and shall also diligently and faithfully keep their books, and weekly registers, of all the cloths bought and sold in the said market; in which books and registers they, and every of them, as they are concerned in their respective places, shall truly enter the names, surnames, and places of habitation of the owner, buyer, and seller, of every the said cloths, together with the time of the sale thereof, and likewise of the factor, or any other person (other than the owner) buying or selling the same, to the end clothiers and others concerned may be satisfied how their cloths are disposed of from time to time, to which said books it shall be lawful for the said clothiers, their agents and servants, at all convenient times to have recourse without any fee, gratuity, or reward to be paid for the same; and if any hall-keeper, clerk, or master-porter, shall neglect to perform his duty herein, he shall for every such offence forfeit the sum of ten pounds: and in case any person or persons, from and after

after the said first day of *May*, shall buy any cloth of any factor or factors, or other person or persons, except of the owner of such cloth, otherwise than for ready money; that then, and in every such case, the factor or factors, person or persons selling such cloth, shall within twelve days next after the sale and delivery of the same, take or demand a note in writing from the person or persons buying such cloth, testifying under the hand of the buyer of the cloths so sold, and the sum of money such cloth was sold for, and payable by such buyer, to the owner of such cloth, according to the contract, and shall deliver on demand such note, with notice of such buyer's usual place of abode thereon subscribed, to the owner of the cloth so sold, or to any person authorized by the owner to demand and receive the same, on pain to forfeit to the owner or owners of such cloth, for every neglect or refusal of demanding such note, or such delivery thereof, with notice as aforesaid, double the value of the cloth so sold, to the owner or owners of such cloth; and if any merchant, woollen draper, or trader in the woollen manufacture, buying any woollen cloth upon trust, shall refuse or neglect to give such note as aforesaid, upon request to him for that purpose to be made at any time after eight days next after the sale and delivery of the said cloth, he shall forfeit for every such offence the sum of twenty shillings for every cloth so sold, to the owner of the said cloth; and every piece of cloth, not actually returned within eight days next after the sale and delivery of the same, shall be and is hereby adjudged, deemed, and taken to be passed and approved of by the buyer as a merchantable cloth; and all contracts, promises and agreements, for the allowing of any longer time for the passing of any cloth, shall be and are hereby declared to be void.

Penalty on persons selling cloth without ready money, and neglecting to demand a note of the buyer in 12 days after sale.

Penalty on buyers refusing to give such note.

Cloth not returned in 8 days after delivery deemed merchantable.

V. And be it further enacted by the authority aforesaid, That all the forfeitures and penalties imposed by virtue of this act, shall or may be sued for and recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record, in which no essoin, wager of law, or protection, and but one imparlance shall be allowed; and if not otherwise herein before disposed of, one moiety thereof shall be to the use of his Majesty, his heirs and successors, and the other to the informer.

Penalties, &c. how to be recovered.

VI. Provided always, and be it enacted by the authority aforesaid, That if the owner of the cloth shall neglect to sue for any of the penalties and forfeitures he shall be intitled to by virtue of this act, by the space of six months next after the offence committed, then it shall and may be lawful for any other person to sue for and recover the same, and one moiety thereof shall be to the use of his Majesty, his heirs and successors, and the other to the informer.

Owners of cloth not suing for penalty in 6 months, any other may sue. Altered by 1 Geo. 1. stat. 2. c. 15. s. 13.

VII. And to prevent fraudulent practices of factors as to the effects of clothiers in their hands, and as to the debts due to clothiers, contracted for by such factors; be it further enacted by the authority aforesaid, That every person being a known or reputed factor for selling cloth in the said market of *Blackwell Hall*,

Factors to give
account of the
effects in their
hands, of
cloth sold, and
of money due.

Hall, shall, before the four and twentieth day of *June*, one thousand six hundred ninety seven, if thereunto requested by any clothier or owner of cloth, give and deliver a true and particular account in writing to such clothier or owner of cloth, of the effects of such clothier or owner of cloth, which now are, or before the first day of *May*, one thousand six hundred ninety seven, shall be in the hands of such factor, and the particular cloths of such clothier or owner of cloth sold by such factor, and of the particular sums of money due to such clothier or owner of cloth by any contract of such factor, and of the respective names and places of abode of every person from whom such sums are due; and if any such factor shall refuse or neglect to give and deliver such account as aforesaid, he shall forfeit to the person or persons to whom he ought to give and deliver such account ten pounds, to be recovered and sued for as aforesaid.

Penalty.

CAP. X.

An act to enable the returns of juries as formerly, until the first day of November, 1697.

7 & 8 W. 3.
c. 32.

WHEREAS by an act made in the first sessions of this present parliament, intituled, An act for the ease of jurors, and better regulating of juries, it is amongst other things enacted, That all constables, tithingmen, and headboroughs of towns in each county, or their deputies, or some or one of them, shall yearly at the general quarter sessions of the peace to be holden for each county, riding or division, or any part thereof, in the week after the feast of Saint Michael the archangel, upon the first day of the said sessions, or upon the first day that the said sessions shall be held by adjournment at any other particular division or place, return and give a true list in writing of the names and places of abode of all persons within the respective places for which they serve, qualified to serve upon such juries, with their titles and additions, between the age of one and twenty years, and the age of seventy years, to the justices of the peace in open court; which said justices, or any two of them at the said sessions, in the respective counties, ridings or divisions, shall cause to be delivered a duplicate of the aforesaid returned lists by the clerks of the peace of every county or riding, to the sheriffs or their deputies, on or before the first day of January next following, and cause the said lists to be fairly entered into a book by the clerk of the peace, to be by him provided and kept for that purpose amongst the records of the said court of sessions; and no sheriff shall impanel or return any person or persons to try any of the issues joined in any of the said courts, or to be or serve in any jury at the assizes, sessions of oyer and terminer, gaol delivery, or sessions of the peace, that shall not be named or mentioned in the said list: and whereas several constables, not being apprized of their duties, have neglected to make returns of jurors in such manner as by the said act is directed, insomuch that there are really no lists or duplicates of persons out of which the jurors are to be returned or impanelled by the sheriffs for the trials of such issues

as

as aforesaid, ever made up, or entred into books as the said act directs, in several counties of this kingdom; and the sheriffs being as aforesaid obliged by the said act, neither to return or impanel any person or persons that shall not be named or mentioned in the said lists, there will, in all and every the said counties where there have been such total neglects as aforesaid (unless other provision shall be made) be a failure of trials by juries: For remedy whereof be it enacted, and it is hereby enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That it shall and may be lawful at any time before the first day of November, which shall be in the year of our Lord one thousand six hundred ninety seven, for all sheriffs or coroners of counties and places where such lists have not been returned pursuant to the direction of the said act, to make returns of jurors in all cases whatsoever, in the same manner as they might have done before the making of the said act, any thing in the said act to the contrary notwithstanding. And to the end the said act may be duly put in execution from and after the feast of Saint Michael, which shall be in the year of our Lord one thousand six hundred ninety seven, all justices of the peace are hereby required and commanded, at their respective sessions of the peace that shall be holden next before the feast of Saint Michael yearly and every year, to issue forth precepts to the respective constables within their respective counties or divisions, thereby requiring them and every of them to make such return of persons to serve upon juries, as by the said act is directed.

Before 1 Nov. 1697. lists of juries may be returned as formerly.

After Michaelmas justices required to issue their precepts yearly.

CAP. XI.

An act for the better preventing frivolous and vexatious suits.

FOR relief of his Majesty's good subjects against causeless and unjust suits, and for the better enabling them to recover their just rights; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of March, which shall be in the year of our Lord one thousand six hundred ninety and seven, where several persons shall be made defendants to any action or plaint of trespass, assault, false imprisonment, or *Ejectione firmæ*, and any one or more of them shall be upon the trial thereof acquitted by verdict, every person or persons so acquitted shall have and recover his costs of suit, in like manner as if a verdict had been given against the plaintiff or plaintiffs, and acquitted all the defendants; unless the judge, before whom such cause shall be tried, shall immediately after the trial thereof, in open court, certify upon the record under his hand, that there was a reasonable cause for the making such person or persons a defendant or defendants to such action or plaint.

Where several persons are defendants to any action, &c. and one or more of them acquitted on trial, to have costs as if all were acquitted.

II. And forasmuch as for want of a sufficient provision by law for

VOL. X.

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the payment of costs of suit, divers evil disposed persons are encouraged to bring frivolous and vexatious actions, and others to neglect the due payment of their debts; be it further enacted by the authority aforesaid, That if at any time from and after the said five and twentieth day of *March*, any person or persons shall commence or prosecute in any court of record, any action, plaint or suit, wherein upon any demurrer, either by plaintiff or defendant, demandant or tenant, judgment shall be given by the court against such plaintiff or demandant, or if at any time after judgment given for the defendant in any such action, plaint or suit, the plaintiff or demandant shall sue any writ or writs of error to annul the said judgment, and the said judgment shall be afterwards affirmed to be good, or the said writ of error shall be discontinued, or the plaintiff shall be nonsuit therein, the defendant or tenant in every such action, plaint, suit or writ of error, shall have judgment to recover his costs against every such plaintiff or plaintiffs, demandant or demandants, and have execution for the same by *Capias ad satisfaciendum*, *Pieri facias*, or *Elegit*.

Defendant on judgment given for him, &c. to recover costs, and have execution on the same.
1 Salk. 194.

Plaintiff obtaining judgment on an action of waste, &c. to recover costs.

If defendant be found guilty, plaintiff to have costs, &c.

Law against executors not to be altered.

Plaintiff or defendant dying before final judgment obtained, action not to abate.

III. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of *March*, in all actions of waste, and actions of debt upon the statute for not setting forth of tithes, wherein the single value or damage found by the jury shall not exceed the sum of twenty nobles, and in all suits upon any writ or writs of *Scire facias*, and suits upon prohibitions, the plaintiff obtaining judgment, or any award of execution after plea pleaded or demurrer joined therein, shall likewise recover his costs of suit; and if the plaintiff shall become nonsuit, or suffer a discontinuance, or a verdict shall pass against him, the defendant shall recover his costs, and have execution for the same in like manner as aforesaid.

IV. And for the preventing of wilful and malicious trespasses, be it further enacted, That in all actions of trespass to be commenced or prosecuted, from and after the said five and twentieth day of *March*, one thousand six hundred ninety and seven, in any of his Majesty's courts of record at *Westminster*, wherein at the trial of the cause it shall appear, and be certified by the judge under his hand, upon the back of the record, that the trespass upon which any defendant shall be found guilty, was wilful and malicious, the plaintiff shall recover not only his damages, but his full costs of suit; any former law to the contrary notwithstanding.

V. Provided always, That nothing herein contained shall be construed to alter the laws in being as to executors or administrators, in such cases where they are not at present liable to the payment of costs of suit.

VI. And be it further enacted, That in all actions to be commenced in any court of record, from and after the said five and twentieth day of *March*, one thousand six hundred ninety and seven, if any plaintiff happen to die after an interlocutory judgment, and before a final judgment obtained therein, the said action

action shall not abate by reason thereof, if such action might be originally prosecuted or maintained by the executors or administrators of such plaintiff; and if the defendant die after such interlocutory judgment, and before final judgment therein obtained, the said action shall not abate, if such action might be originally prosecuted or maintained against the executors or administrators of such defendant; and the plaintiff, or if he be dead after such interlocutory judgment, his executors or administrators, shall and may have a *Scire facias* against the defendant, if living after such interlocutory judgment, or if he died after, then against his executors or administrators, to shew cause why damages in such action should not be assessed and recovered by him or them; and if such defendant, his executors or administrators, shall appear at the return of such writ, and not shew or alledge any matter sufficient to arrest the final judgment, or being returned warned, or upon two writs of *Scire facias* it be returned that the defendant, his executors or administrators, had nothing whereby to be summoned, or could not be found in the county, shall make default, that thereupon a writ of inquiry of damages shall be awarded, which being executed and returned, judgment final shall be given for the said plaintiff, his executors or administrators, prosecuting such writ or writs of *Scire facias*, against such defendant, his executors or administrators respectively.

Plaintiff, &c. may have a *Scire facias* against defendant. Mod. Cases in Law, 115, 366.

On execution of a final judgment to be given. 1 Salk. 351.

VII. And be it further enacted by the authority aforesaid, That if there be two or more plaintiffs or defendants, and one or more of them should die, if the cause of such action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

Actions may proceed notwithstanding the death of one of the parties.

VIII. And be it further enacted, That in all actions, which from and after the said five and twentieth day of *March*, one thousand six hundred ninety and seven, shall be commenced or prosecuted in any of his Majesty's courts of record, upon any bond or bonds, or on any penal sum, for non-performance of any covenants or agreements in any indenture, deed, or writing contained, the plaintiff or plaintiffs may assign as many breaches as he or they shall think fit, and the jury, upon trial of such action or actions, shall and may assess, not only such damages and costs of suit as have heretofore been usually done in such cases, but also damages for such of the said breaches so to be assigned, as the plaintiff upon the trial of the issues shall prove to have been broken, and that the like judgment shall be entered on such verdict as heretofore hath been usually done in such like actions; and if judgment shall be given for the plaintiff on a demurrer, or by confession; or *Nihil dicit*, the plaintiff upon the roll may suggest as many breaches of the covenants and agreements as he shall think fit, upon which shall issue a writ to the sheriff of that county where the action shall be brought, to

In actions on bonds, &c. plaintiff may assign as many breaches as he pleases. Jury may assess damages.

Defendant
paying dama-
ges, execution
may be stayed,

but judgment
to remain, to
answer any
further
breach,

and plaintiff
may have a
Scire facias a-
gainst the de-
fendant.

summon a jury to appear before the justices or justice of assize, or *Nisi prius*, of that county, to enquire of the truth of every one of those breaches, and to assess the damages that the plaintiff shall have sustained thereby; in which writ it shall be commanded to the said justices or justice of assize, or *Nisi prius*, that he or they shall make a return thereof to the court from whence the same shall issue, at the time in such writ mentioned; and in case the defendant or defendants, after such judgment entred, and before any execution executed, shall pay unto the court where the action shall be brought, to the use of the plaintiff or plaintiffs, or his or their executors or administrators, such damages so to be assessed by reason of all or any of the breaches of such covenants, together with the costs of suit, a stay of execution of the said judgment shall be entred upon record; or if by reason of any execution executed, the plaintiff or plaintiffs, or his or their executors or administrators, shall be fully paid or satisfied all such damages so to be assessed, together with his or their costs of suit, and all reasonable charges and expences for executing the said execution, the body, lands, or goods of the defendant, shall be thereupon forthwith discharged from the said execution, which shall likewise be entred upon record; but notwithstanding in each case such judgment shall remain, continue, and be, as a further security to answer to the plaintiff or plaintiffs, and his or their executors or administrators, such damages as shall or may be sustained for further breach of any covenant or covenants in the same indenture, deed, or writing contained, upon which the plaintiff or plaintiffs may have a *Scire facias* upon the said judgment against the defendant, or against his heir, terre-tenants, or his executors or administrators, suggesting other breaches of the said covenants or agreements, and to summon him or them respectively to shew cause why execution shall not be had or awarded upon the said judgment, upon which there shall be the like proceeding as was in the action of debt upon the said bond of obligation, for assessing of damages upon trial of issues joined upon such breaches, or inquiry thereof upon a writ to be awarded in manner as aforesaid; and that upon payment or satisfaction in manner as aforesaid, of such future damages, costs, and charges, as aforesaid, all further proceedings on the said judgment, are again to be stayed, and so *toties quoties*, and the defendant, his body, lands, or goods, shall be discharged out of execution, as aforesaid.

CAP. XII.

An act for continuing several additional impositions upon several goods and merchandizes.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons assembled in parliament, for a further supply of your Majesty's extraordinary occasions, and the effectual prosecution

prosecution of the war against *France*, and for satisfaction of such persons who have advanced and lent monies into your Majesty's Exchequer for the purposes aforesaid, have cheerfully and unanimously given and granted unto your Majesty the impositions and duties herein after mentioned, for and during the term hereafter expressed, and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the several additional and other rates, impositions, duties, and charges, upon goods and merchandize imported into this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, and from thence exported, mentioned, expressed, and granted in and by an act made in the fourth and fifth years of the reign of his present Majesty and the late Queen *Mary*, intituled, *An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for the prosecuting the present war against France*, shall be continued from the first day of *March*, in the year of our Lord one thousand six hundred ninety six, and be raised, levied, collected, answered, and paid unto his Majesty, his heirs and successors, until the seventeenth day of *May*, in the year of our Lord one thousand six hundred ninety seven; and that the said act, and all powers, provisions, penalties, articles, and clauses, therein contained, shall continue and be of full force and effect, until the said seventeenth day of *May*, one thousand six hundred ninety seven, and shall be applied, practised, and executed, for raising, levying, collecting, answering, and paying the said additional duties, and other rates and impositions hereby continued, according to the tenor and intent of this present act.

Additional impositions on goods imported by 4 & 5 W. & M. c. 5. &c. continued from 1 March, 1696. to 17 May, 1697.

CAP. XIII.

An act for continuing several former acts for punishing officers and soldiers who shall mutiny or desert his Majesty's service, and for punishing false musters, and for payment of quarters, for one year longer. EXP.

CAP. XIV.

An act for the compleating the building and adorning the cathedral church of *Saint Paul*, London, and for repairing the collegiate church of *Saint Peter*, Westminster.

WHEREAS by an act made in the parliament begun at Westminster the nineteenth day of *May*, in the year of our Lord one thousand six hundred eighty and five, and in the first year of the reign of the late King *James the Second*, intituled, *An act for rebuilding, finishing, and adorning of the cathedral church of Saint Paul's, London*, it was enacted, That for all sorts of coals, which from and after the nine and twentieth day of *September*, one thousand six hundred eighty and seven, and before the nine and twentieth day of *September*, one thousand seven hundred, should be imported and brought into the port of the said city of *London*, or the river

1 Jac. 2. c. 15.

river of Thames, within the liberty of the said city upon the same river, there should be paid by way of imposition thereupon, over and besides all other impositions and duties, according to the rates therein after mentioned (that is say) For all sort of coals and culm as are usually sold by the chaldron, for every chaldron thereof, containing thirty six bushels Winchester measure, the sum of eighteen pence; and for such sort of coals as are sold by the tun, for every tun thereof, containing twenty hundred weight, the like sum of eighteen pence; which said imposition of eighteen pence for every chaldron or tun of coals the said act doth appoint how to be collected and paid, and in the first place to be applied and disposed to the rebuilding, finishing, and adorning the said cathedral of Saint Paul's, and for the compleating parochial churches, as by the said act more at large appears: And whereas not only the monies hitherto received for the said duty, but several great sums of money advanced upon the credit of the said act (a considerable part whereof is now owing) and all other supplies have been carefully expended and laid out about the said work, whereby the same is far advanced, and yet by reason of the extraordinary expence of shipping in time of war, and dearness of materials, the money hitherto provided for the works intended by the said act hath proved defective; and unless some further provision be made for compleating the said works, that which is already done will be greatly damaged, if not wholly lost; and in case the same shall be compleated, it will be necessary that some other things be done, both for the convenience and ornament of the said cathedral church, &c.

EXP.

*Altered by 9
Annæ, c. 22.
1, 9.*

Duty laid on coals and culm from 29 Sept. 1700. to 29 Sept. 1716. For every chaldron, 12 d. Every tun, 12 d. to be applied. One sixth part to the repairing Saint Peter's Westminster. 3,000 l. out of these duties to be paid in 4 years towards building Saint Thomas church in Southwark. The stipend to the surveyor general of the building of St. Paul's shall be paid in the proportions following; one moiety yearly, and the other moiety in one intire sum, within six months after finishing the church.

CAP. XV.

EXP.

An act for repairing the highway between Ryegate in the county of Sussex, and Crawley in the county of Sussex.

CAP. XVI.

An act for enlarging common highways.

13 & 14 Car.
2, c. 6.

WHEREAS an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, for enlarging common highways, is expired, and that the ordinary course appointed by the laws and statutes of this realm is not sufficient for the enlarging of the highways of this kingdom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the justices of the peace of any county, city, riding, division, liberty, or place, or the major part of them; being five at the least, at their quarter sessions, shall have power to enlarge or widen any highways in their respective counties, ridings, divisions, liberties, or places, so that the ground to be taken into the said highways do not exceed eight yards in breadth, and that

Justices may
enlarge high-
ways 8 yards
in breadth.

that the said power do not extend to pull down any house, or to take away the ground of any garden, orchard, court, or yard: and for the satisfaction of the persons who are owners of or may be interested in the said ground that shall be laid into the said highways, the said justices are hereby empowered to impanel a jury before them, and to administer an oath to the said jury, that they will assess such damages to be given, and recompence to be made, to the owners and others interested in the said ground rent or charge respectively, for their respective interests, as they shall think reasonable, not exceeding five and twenty years purchase for lands so laid out, and likewise such recompence as they shall think reasonable, for the making of a new ditch and fence to that side of the highway that shall be so enlarged, and also satisfaction to any person that may be otherwise injured by the enlarging of the said highways; and upon payment of the said money so awarded, or leaving it in the hands of the clerk of the peace of the respective county, for the use of the owner, or of others interested in the said ground, the interest of the said persons in the said ground rent or charge shall be for ever divested out of them; and the said ground, and all other grounds that shall be laid into any highway by virtue of this act, shall be esteemed and taken to be a publick highway to all intents and purposes whatsoever; and the said justices of the peace for any county, city, riding, division, liberty, or other place, or the major part of them, being five at the least, shall have power to order one or more assessment or assessments to be made, levied, or collected, upon all and every the inhabitants, owners, or occupiers of lands, houses, tenements, or hereditaments, in their respective parishes or places, that ought to repair the same, to such person and persons, and in such manner, as the said justices at such sessions shall direct and appoint; and the money thereby raised shall be employed and accounted for, according to the order and direction of the said justices, for and towards the purchasing of the land to enlarge the said highways, and for the making the said ditches and fences; and the said assessment shall, by order of the said justices, be levied by the overseers of the highways, by distress and sale of the goods of persons so assessed, not paying the same within ten days after demand, rendering the overplus of the value of the goods so distrained to the owner and owners thereof; the necessary charges of making and selling such goods being first deducted.

Damages to the owners to be assessed by a jury,

not exceeding 25 years purchase.

On payment of money, owner to be divested of his interest in the ground.

Assessments to be levied on the inhabitants for repairing the roads, and purchasing land, &c.

Overseers of the highways to levy the assessments by distress, if not paid in 10 days.

II. Provided nevertheless, and be it enacted, That no such Assessment or assessments made in any one year, for enlarging of highways, shall exceed the rate of six pence in the pound of the yearly income of any lands, houses, tenements and hereditaments, nor the rate of six pence in the pound for personal estates.

III. And that no person may be surprized by the power contained in this act, but may have timely notice to appear to make their complaints to the said justices; be it enacted by the authority aforesaid, That the justices of the peace of any county, city, riding, division, liberty or place, or the major part of them, being

Justices may issue their precepts to owners of ground, &c.

C 4

being five at the least, at their quarter sessions, at the request of any person, for the putting in execution the powers contained in this act for the enlarging of highways, shall issue out their precepts to the owner or owners of ground, or others interested in the same, that are to be laid into the said highways, to appear at the next quarter sessions, or shew cause why the said highways should not be enlarged; any thing in this act contained to the contrary notwithstanding.

Eight months allowed to cut down timber; on neglect timber to be sold, &c.

IV. Provided also, and be it enacted by the authority aforesaid, That if any order or decree shall be made by the said justices for the laying out of ground for the enlarging of highways, that the owners or proprietors of the said ground have hereby free liberty, within eight months after such order, to cut down any wood or timber growing upon the said ground, or upon the neglect thereof, that the same shall be sold by order of the said justices, and the owners of such wood or timber shall receive the full of what shall be made of such wood or timber; the charges of working the same being first deducted.

Charges deducted.

Appeal to the judges of assize.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person aggrieved by the order or decree of the said justices, to appeal to the judges of assize at the next assize only, to be held for the county where such decree or order shall be made; and any of the said judges are hereby empowered to re-examine, affirm or reverse the said former order and decree, as in judgment they shall think fit, and if affirmed, to award costs against such appellants for their vexation and delay, and to cause the same to be levied by distress and sale of the appellants goods, rendering the overplus (if any such be) to the said appellants.

Costs to be levied by distress.

Justices may determine appeals in case of inquisitions on writ of *Ad quod Damnum*.

VI. Provided also, and be it enacted, That where any common highway at any time hereafter shall be inclosed, after a writ of *Ad quod Damnum* issued, and inquisition thereupon taken, it shall and may be lawful to and for any person or persons injured or aggrieved by such inclosure, to make their complaint thereof by appeal to the justices at the quarter sessions to be held for the same county next after inquisition taken, who are hereby authorized and empowered to hear and determine such appeal, and whose determination therein shall be final; and if no such appeal be made, then the said inquisition and return, entered and recorded by the clerk of the peace of such county at the quarter sessions, shall be for ever afterwards binding to all persons whatsoever, without any further or other appeal; any law or statute to the contrary notwithstanding.

If no appeal, the inquisition to be binding.

VII. And for the better convenience of travelling in such parts of this kingdom which are remote from towns, and where several highways meet; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty's justices of the peace, at their respective special sessions, to be held once in four months by virtue of an act made in the third and fourth years of the reign of King William and Queen Mary, intituled, *An act for the better repairing and amending the highways, and for settling the rates of carriage of goods*, so often, and

& 4 W. & M. c. 12.

and in such cases, as they shall think necessary, to direct their precept to the surveyors of the highways, in any parish or place where two or more cross highways meet, requiring them forthwith to cause to be erected or fixed, in the most convenient place where such ways join, a stone or post, with an inscription thereon in large letters, containing the name of the next market town to which each of the said joining highways leads, who is to be reimbursed according as the said act for the repairing of highways directs: and in case any surveyor or surveyors shall, by the space of three months, after such precept to him or them directed and delivered, neglect or refuse to cause such stone or post to be fixed as is aforesaid, every such offender shall forfeit the sum of ten shillings, to be levied by warrant under the hand and seal of any justice of the peace of the county, riding, division or liberty, where such parish or place shall be, such warrant to be directed to the constable of such parish or place, requiring him to distrain the goods of such offender, and sell the same, rendering to him the overplus (if any be) and to employ such sum, so levied, in and towards such stone or post as is aforesaid; and in case any part of the said sum shall remain after such stone or post erected, then to employ such remaining sum in amending the same cross highways, and not otherwise.

Where cross highways meet, a stone or post to be erected with the name of the next market town to which each highway leads.

Penalty on surveyors neglecting to fix such post.

C A P. XVII.

An act for paving and regulating the Hay Market in the parishes of Saint Martin in the Fields and Saint James within the liberty of Westminster.

WHEREAS by an act of parliament made in the thirteenth and ^{13 & 14 Car.} fourteenth years of Charles the Second, late King of England, intituled, An act for repairing the highways and sewers, and paving and keeping clean the streets, in and about the cities of London and Westminster, and for reforming of annoyances and disorders in the streets of, and places adjacent to, the said cities, and for the regulating and licencing of hackney coaches, and for the enlarging of several strait and inconvenient streets and passages, it was among other things enacted, That every load of hay, which from the first day of May, one thousand six hundred sixty and two, should be brought, and stand to be sold upon any the ways in that act expressed and adjudged fit to be new paved, should pay six pence for every load, and likewise every cart of straw to be sold in the said places should, after the said day, pay two pence, which said sums should be paid to the commissioners which should be appointed for the paving and mending the highways and streets, or such as they should appoint, for and towards the paving of the streets and highways: and forasmuch as the said act is now expired, the owners of such hay carts and straw carts, which are daily brought into and stand in a street commonly called the Hay Market, lying and being in the parishes of Saint Martin's in the Fields, and Saint James's within the liberty of Westminster, by reason whereof the repairs of the said street are grown a great charge to the parishioners there inhabiting, and cannot by law be compelled to contribute towards the paving, repairing and amending the said street, to the great grievance of the said parishioners; may

Owner to pay
3d. for every
cart-load of
hay brought
into the Hay
Market to be
sold,
every cart-
load of straw
1d. towards
paving the
Hay Market.

Owners of
hay or straw
not to pay
again for what
is not sold.

Owners re-
fusing to pay,

the same to be
levied by di-
stresses,

and sale of
goods.

Extent of the
Hay Market.

may it therefore please your most excellent Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand six hundred ninety seven, the owner of every cart-load or parcel of hay, which shall be brought into and stand to be sold in the said street commonly called the *Hay Market*, shall pay to such person or persons as shall be appointed by the justices of the peace of the county of *Middlesex*, and city and liberty of *Westminster*, the sum of three pence, and likewise that the owner of every cart-load or parcel of straw, which shall be brought into and stand to be sold in the said street, shall after the said day pay the sum of one penny, in case of the parishioners of the said parishes, to such person or persons who shall be appointed from time to time, for and towards the paving, repairing, and amending the said street called the *Hay Market*.

II. And be it further enacted by the authority aforesaid, That the owner or owners of any such cart-load or parcel of hay or straw, having paid the respective sums aforesaid, and the same being then not sold, but remaining to be brought to be sold the next market day, such cart-load or parcel of hay or straw shall not pay again the like sum as above, the next market day, for standing there to be sold.

III. And be it further enacted by the authority aforesaid, That in case any owner or owners of such cart-load or parcel of hay or straw shall, after the said five and twentieth day of *March*, refuse to pay the sum of three pence for every such cart-load or parcel of hay, and the said sum of one penny for every such cart-load or parcel of straw, brought into, and standing in, the said street called the *Hay Market*, as aforesaid, it shall and may be lawful, after demand thereof made by such person or persons as shall be thereunto lawfully authorized, to levy the same upon the goods and chattels of the offender or offenders, by warrant of distress, which any justice of the peace of the county of *Middlesex*, or the said city and liberty of *Westminster*, is hereby authorized to grant under his hand and seal, on oath to be made before him by the party who demanded the same, that the same is refused to be paid, and that it is not paid; which said goods and chattels shall and may be sold within three days after the distress made, and the overplus to be returned to the owner, the charge of the distress being only deducted.

IV. And for preventing all disputes concerning the extent of the said street; be it further enacted by the authority aforesaid, That it shall be construed to extend in length from the old toll post at the upper end of the *Hay Market*, over against a house lately called *Coventry House*, to the *Phoenix inn* at the lower end of the said *Hay Market*, and the house over against it, and in breadth from the channel running by the houses on the east-side to the channel running by the houses on the west-side, at which

which places posts or stones shall be set up by the directions of the said justices of peace, which shall be esteemed to be the bounds and extent of the said market.

V. And whereas by an act made in the second year of his present Majesty and the late Queen Mary, intituled, An act for paving and cleansing the streets in the cities of London and Westminster, and suburbs and liberties thereof, and out parishes in the county of Middlesex, and in the borough of Southwark, and other places within the weekly bills of mortality in the county of Surrey, and for regulating the markets therein mentioned, it was amongst other things enacted, That from and after the fifteenth day of December, one thousand six hundred and ninety, no person or persons whatsoever should permit or suffer his or their waggon, cart, or carr, to stand or be in the place called the Hay Market near Piccadilly, in the parishes of Saint Martin's in the Fields and Saint James's within the liberties of Westminster, laden with hay or straw, to sell the same, from Michaelmas to Lady day, after two of the clock in the afternoon, and from Lady day to Michaelmas after three of the clock in the afternoon, on pain to forfeit for every offence and neglect five shillings respectively: and whereas divers persons using the said place called the Hay Market, near Piccadilly aforesaid, have had several informations against them for offending against the said statute, and paid the penalties thereof, which hath been chiefly occasioned by the want of convenient notice before the times limited by the said act did determine, and several informations on the said act have been given long after the supposed offences committed, whereby the several persons using the said Hay Market, by the length of time, have not been able to disprove such informations, which hath been a great mischief and discouragement to the persons using the said Hay Market: for prevention of which mischiefs and inconveniencies for the time to come, be it enacted by the authority aforesaid, That the said person or persons, so to be from time to time appointed to collect the said toll, do twice on every market day, to wit, on Tuesday, Thursday, and Saturday in every week, ring, or cause to be rung, a large hand bell round the said place called the Hay Market, before any forfeiture of five shillings for the said offence shall be incurred, whereof the first time to be an hour before, and the last time at the expiration of the said respective hours in and by the said recited act appointed for all persons using the said market, as aforesaid, to leave the same; on every default or defaults, of ringing such bell twice, as aforesaid, no person or persons whatsoever using the said Hay Market for the said purposes, the next immediate usual market day or days after any such default or defaults, shall be liable to pay any toll for any waggon, cart, or carr standing or that shall stand in the said Hay Market to sell hay or straw; and the said market is hereby in that case, and on such day or days, as aforesaid, declared to be toll-free.

A bell to be rung twice every market day.

On default of ringing the bell, the market for that time to be toll-free.

VI. And be it further enacted by the authority aforesaid, That all and every forfeiture or forfeitures for any offence or offences at any time or times hereafter to be incurred, for staying as offence committed.

And complaint to be made to a justice of quorum.

Party to have notice the next time he comes, or else not liable.

Collector to give a yearly account of all monies collected, and how disposed.

If any remains, how to be disposed of.

ing or continuing longer in the said market, called the *Hay Market*, than is in and by the said recited act appointed, shall be demanded in the said market place, by the person ringing the said bell, the same day on which such offence or offences shall or may happen to be committed, and complaint shall be made of every such offence, to some one justice of the *quorum* within the said county, or city and liberty of *Westminster*, before the next immediate succeeding market day, of which complaint notice shall be given to the party offending, the next time he comes to the said market, or else no person or persons using the said *Hay Market* shall be liable to or chargeable with any forfeiture or forfeitures, for staying longer in the said market for the purposes aforesaid, than in and by the said recited act is limited and appointed; the said recited act or any thing therein contained to the contrary thereof in any wise notwithstanding.

VII. And to the end a true account may be given of the toll to be gathered and received by virtue of this act, be it enacted by the authority aforesaid, That the person and persons that shall collect and dispose of the money by virtue of this act arising by the said toll, shall yearly, every *Easter* sessions, give the justices of the peace of the said county and city (who are hereby impowered to require the same) a particular account upon oath (which the said justices are hereby impowered to administer) of all monies collected by virtue of this act, and how the same is or shall be from time to time disposed of; and in case on the foot of any such yearly account any money shall remain undisposed of, according to the true intent of this act, such remainder shall be disposed of for the benefit of the said county of *Middlesex*, in such manner as the said justices at such sessions shall think fit.

CAP. XVIII.

An act for relief of creditors, by making compositions with their debtors, in case two thirds in number and value do agree. *Repealed by 9 & 10 W. 3. cap. 29.*

CAP. XIX.

An act for repealing a clause in a former act relating to party guiles, and for the better preventing frauds and abuses in brewers and others chargeable with the duties of excise.

7 & 8 W. 3.
c. 30. s. 20.

WHEREAS in one act made in the last sessions of this present parliament, intituled, An act for laying several duties upon low wines, or spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise, it is amongst other things enacted in the words, or to the effect following (videlicet) That all common brewers, innkeepers or victuallers, who after the five and twentieth day of March, one thousand six hundred ninety six, shall brew or make a party guile, shall declare to the gauger or gaugers appointed to gauge and take an account of the same, how much of such guile he or they intended to make into strong beer or ale, and how much into small, before any part of such guile is cleansed, and shall continue all the said strong beer in their tuns until the said small beer shall

shall be carried out and delivered; and in case such brewers, innkeepers or victuallers, or their respective servants, brewing or making such guile of beer or ale, shall refuse to declare to such gauger or officer, how much of their guile or brewing they intend to make into strong beer, or strong ale, and how much into small, before any part of such guile is cleansed, or shall permit the said strong beer to be carried out of their tuns, until the said small beer shall be carried out and delivered, such gauger or gaugers shall charge and return the whole of such guile to be strong; and such brewer, innkeeper or victualler, shall pay the duties thereof accordingly; and in case such brewer, innkeeper or victualler, or their respective servants, after such declaration made, shall make any increase of their strong beer or strong ale, so declared as aforesaid, by any ways or means whatsoever, such increase shall be deemed and taken to be and proceed from mixing small beer with strong beer, or strong ale, and such brewer, innkeeper or victualler, shall forfeit and lose, for every barrel so increased, the sum of forty shillings, and so in proportion for a greater or lesser quantity, over and above the penalties already imposed for mixing small beer with strong: and whereas it is found by experience, that it is inconvenient to the brewers within London, and the weekly bills of mortality, and impracticable to the brewers, innkeepers and victuallers in the country, to keep their strong beer in their tuns until their small beer is carried out and delivered, as by the clause above recited is required; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of April, in the year of our Lord one thousand six hundred ninety seven, the said clause, and every thing therein contained, shall be and hereby is repealed and made void to all intents and purposes whatsoever.

Clause repealed.

II. And for the more effectual preventing the frauds of the brewers, which are now frequently practised, by mixing small beer with strong; be it enacted by the authority aforesaid, That every common brewer, who after the said tenth day of April, shall brew or make any guile of beer or ale, shall declare to the gauger or gaugers appointed to gauge and take an account of the same, how much strong beer or strong ale he intends to make of such guile, and also how much small (if he intends to make any small) before any part of such guile is cleansed or removed out of his tuns; and in case any such brewer, or his respective servants, brewing or making such guile of beer or ale, shall refuse to make such declaration as aforesaid, such gauger or gaugers shall charge and return the whole of such guile to be strong, and such brewer shall pay the duties thereof accordingly, and shall also forfeit and lose, for every barrel of beer or ale contained in such guile, the sum of twenty shillings; and in case such brewer, or his respective servants, after such declaration made as aforesaid, shall make any increase of the strong beer or strong ale so declared as aforesaid, by any ways or means whatsoever, or in case such gauger or gaugers shall find any beer, ale

Brewer to declare how much strong beer or ale he intends to make of each guile.
Penalty.

or

Penalty on
brewers ser-
vants.

or worts, of the same guile laid off, over and above the quantity so declared as aforesaid, such brewer shall forfeit and lose for every barrel so increased, laid off, or found over and above the quantity declared as aforesaid, the sum of five pounds; and the servant or servants of such brewer, who were any ways concerned or assisting in making such increase after the said declaration, or in laying off any beer, ale, or worts of such guile, before such declaration made, as aforesaid, shall also forfeit and lose, for every barrel so increased or laid off, the sum of twenty shillings, and in default of payment thereof, shall suffer three months imprisonment; and in case upon any information brought against such brewer for the penalties by this act imposed for increasing his length of strong beer or ale, as aforesaid, it shall appear by the evidence given in behalf of such brewer, that the strong beer or ale so declared, as aforesaid, was increased by adding to or mixing with the same, any beer or ale that was left in the brewhouse of a former guile of his or her brewing, such brewer shall incur all the said penalties, except it be also proved by the oath of one or more credible witnesses, that the strong beer or ale so added to such guile, was added to such guile in the sight and view of the gauger, the said evidence, or any other thing to the contrary, in any wise notwithstanding.

Beer or ale
left may be
added in sight
of the gauger.

III. *And whereas many brewers having strong beer or ale remaining in their brewhouses from the time it was brewed, until the next guile or brewing, the quality of which they frequently alter by mixing with the same new small beer, or old returned drink, and then add the beer and ale so altered to the next guile, by means whereof his Majesty is often defrauded of his duties of excise;* be it therefore declared and enacted by the authority aforesaid, That if it shall appear to the gauger that the quality of such strong beer or ale so remaining in the brewhouse of a former guile, and added to a guile of new drink, as aforesaid, hath been so altered since it was brewed, such gauger shall charge and return all such beer and ale so altered and added to a guile of new drink, as if the same were then originally brewed, and had never been charged before, and such brewer shall pay the duties thereof accordingly.

Beer or ale
left and added
to a new
guile, gauger
to charge the
same as new
drink, and
brewer to pay
the duties.

IV. *And forasmuch as it is found by experience, that his Majesty is very much defrauded of his duties of excise by many brewers, who by private pipes and stopcocks under ground, and other private conveyances, have communication between their strong beer tuns and their small beer tuns, whereby they do privately mix the small beer with their strong beer or ale, and also convey their beer, ale, or worts, from the sight and view of the gaugers appointed to gauge and take an account of the same, which is also prejudicial to other brewers, who work fair, and pay his Majesty his full duty;* be it therefore enacted by the authority aforesaid, That every common brewer, having or keeping any pipe or stopcock under ground, or any other private pipe, or other private conveyance in or about his brewhouse, by which any beer, ale, or worts, may be conveyed from one tun or brewing vessel to another, or out of any such tun or brewing vessel into any other place, shall before the eight and twentieth

Brewers to
take up their
pipes, stop-
cocks, and
other convey-
ances under
ground,

twentieth day of *April*, one thousand six hundred ninety seven, take up, or demolish every such pipe, stopcock, and other private conveyance, and shall also stop up every hole in every tun, batch, or float, by which any beer, ale, or worts, may be conveyed into or out of such tun, batch or float, or any of them; and that no common brewer, from and after the said eight and twentieth day of *April*, shall have or keep any such pipe, stopcock, or other private conveyance, by which any beer, ale, or worts, may be conveyed from one tun or brewing vessel to another, or out of any such tun or brewing vessel into any other place, nor shall have or keep any hole in any such tun, batch, or float, by which any beer, ale, or worts, may be conveyed into or out of such tun, batch, or float, or any of them, on pain to forfeit for every such offence the sum of one hundred pounds.

and stop up the hole in every tun, batch, &c.

Penalty on brewer keeping such pipe.

V. And for the better discovering of all such pipes, stopcocks, and other private conveyances aforesaid; be it further enacted, That from and after the said eight and twentieth day of *April*, it shall and may be lawful to and for the gaugers and officers of excise, or any of them, in the day time, and in the presence of a constable, or other lawful officer for the peace, on request first made, and cause declared, to break up the ground in any common brewhouse, or ground near adjoining, or any wall, partition, or other place, to search for any such private pipe, or other private conveyance, and upon finding any such pipe, or other private conveyance, to follow the same, and to break up the ground, house, wall, or other partition or place, through, or into which any such pipe or other private conveyance shall lead, and to break up or cut any such pipe, or other private conveyance, and to turn any cock or cocks, to try and examine whether such pipe, or other private conveyance, may or can convey any beer, ale, or worts, out of one tun or brewing vessel into another, or out of any such tun or brewing vessel into any other place.

Officers of excise may break up the ground in a common brewhouse, and search for private pipes.

VI. Provided always, That in case upon such search made, as aforesaid, no such pipe, or other private conveyance shall be found, such gaugers and officers shall make good the ground, wall, or other place so broken up as aforesaid, or make reasonable satisfaction to the owner or owners thereof; and if any common brewer, or any other person or persons whatsoever, shall oppose, obstruct, or hinder any such gauger, or officer, in the due execution of the powers hereby given and granted, every such brewer and other person shall forfeit and lose for every such offence the sum of fifty pounds.

If no pipe be found, officer to make satisfaction. Penalty on brewers, &c. opposing officers.

VII. Provided nevertheless, and it is hereby declared, That it shall and may be lawful to and for any common brewer, to use pipes, keep and make use of any pipes, stop-cocks, or other conveyances above ground, which are publick and in open view, for the letting his worts out of his copper into his publick backs or coolers, and for the letting his worts out of such publick backs or coolers into his publick tuns, batches, or floats, or out of any

Brewers may use pipes, stop-cocks, &c. above ground.

any publick tun into his casks; any thing in this act, or any other law or statute to the contrary in any wise notwithstanding.

VIII. *And whereas, notwithstanding the penalties already imposed by former acts, it is found by experience, that several brewers, do set up and keep private backs and tuns, by which his Majesty is much defrauded of his duties of excise, and other brewers, who pay their full duties, are much prejudiced in their trade thereby;* be it further enacted by the authority aforesaid, That if any common brewer shall, at any time after the said tenth day of April, without notice thereof first given at the next office of excise, erect or set up any tun, batch, float, cooler, or copper, or shall alter or enlarge any tun, batch, float, cooler, or copper, already erected or set up, or shall have or keep any private or concealed tun, batch, float, cooler, or copper, other than such as are openly discovered and known to be commonly used in his brewhouse or place of brewing, every such brewer shall forfeit and lose for every tun, batch, float, cooler, and copper so erected or set up, altered, or enlarged, kept private, or concealed, without such notice given, as aforesaid, the sum of two hundred pounds.

Penalty on brewer setting up or altering any tun, batch, &c. without giving notice to the excise-office.

Penalty on brewer or cyder maker delivering to distiller or vinegar maker any wash, &c. without giving notice to the gauger.

IX. And be it further enacted by the authority aforesaid, That if any common brewer, or maker of cyder, brewing or making any beer, ale or cyder for sale, shall at any time after the said tenth day of April, deliver to any distiller or vinegar maker, any wash, tilts, ale, beer, vinegar, beer or cyder, without first giving notice to the gauger or gaugers within whose division or district such brewer or maker of cyder doth or shall inhabit, what quantity of wash, tilts, ale, beer, vinegar, beer or cyder, he intends to deliver, and when and to whom he intends to deliver the same, every such common brewer or maker of cyder shall forfeit and lose, for every barrel of wash, tilts, ale, beer, vinegar beer and cyder, delivered without such notice given as aforesaid, the sum of twenty shillings.

X. *And whereas it is found by experience, That notwithstanding the penalties imposed by former acts, many distillers do erect and set up private backs, stills, and other vessels, by which his Majesty is much defrauded of his duties of excise;* be it therefore enacted by the authority aforesaid, That no common distiller or maker of low wines, spirits or strong waters for sale or exportation, shall at any time after the said tenth day of April, erect or set up any tun, cask, wash-batch, copper, still, or other vessel, for the brewing, making, or keeping of any worts, wash, low wines, spirits, or strong waters, nor alter or enlarge any tun, cask, wash-batch, copper, still, or other vessel, already erected or set up, nor shall have or keep any private or concealed tun, cask, wash-batch, copper, still, or other vessel, nor any private or concealed warehouse, storehouse, cellar, or other place for the brewing, making, laying, or keeping any worts, wash, low wines, spirits, or strong waters, without first giving notice thereof at the next office of excise, within the limits or jurisdiction whereof he or they do or shall inhabit, upon pain to forfeit

No common distiller, &c. to set up any tun, cask, &c.

nor keep any private tun, nor warehouse, &c.

without giving notice,

feit for every tun, cask, wash-batch, copper, still, warehouse, storehouse, cellar, or other place so erected or set up, altered or enlarged, kept private or concealed, the sum of twenty pounds; and that all and every person or persons in whose occupation any house, out-house, or other place whatsoever, is or shall be, where any such private or concealed tun, cask, wash-batch, copper, still, warehouse, storehouse, or cellar, shall be discovered or found, shall also forfeit and lose the sum of fifty pounds.

under penalty of 20l.

Penalty for concealing such tun, &c.

XI. And it is hereby further enacted and declared, That from and after the said tenth day of *April*, every person or persons making or keeping any wash, cyder, or other materials fit for distillation, and having in his or their possession or occupation, any still or stills, containing twenty gallons or upwards, proof being made thereof by the oath of one or more credible witnesses before some justice of the peace, who is hereby empowered to administer the same, shall be deemed and taken to be a common distiller for sale, and shall be liable to the several rates and duties of excise, and subject to the several and respective penalties and forfeitures imposed by this or any former act now in force; the said act or any other law or statute to the contrary in any wise notwithstanding.

Persons having a still of 20 gallons and materials, to be esteemed a common distiller, and liable to the duties of excise.

XII. And be it further enacted by the authority aforesaid, That all the fines, penalties, and forfeitures by this act imposed, shall be sued for, recovered, and levied by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs, and successors, and the other moiety to him or them that shall discover, inform, or sue for the same.

Fines how to be sued for.

XIII. And whereas by an act made in the second year of the reign of his Majesty and the late Queen Mary of blessed memory, intituled, An act for the encouraging the distilling brandy and other spirits from corn, and for laying several duties on low wines, it was enacted and declared, That it should and might be lawful to or for any person or persons, during the continuance of that act, to make, draw, or distil, for sale, or to be retailed, any low wines or spirits from drink brewed from malted corn; upon the encouragement of which said act many persons have, at great charge, set up works for distilling from corn, and the said act being since expired; be it therefore further enacted and declared by the authority aforesaid, That it shall and may be lawful to or for any person or persons, who have already set up any works or offices, or who shall hereafter set up any works or offices for that purpose, and thereof shall give notice to the commissioners of excise, within ten days after the erecting such office or work, to make, draw, or distil for sale, or to be retailed, any low wines or spirits from drink brewed from malted corn or cyder, and to rectify and refine any such spirits of their own making only, paying the duties, and being subject to all fines and penalties as other distillers are;

Any person may distil for sale low wines from drink brewed from malted corn, &c. paying the duties.

any law, charter, or other thing, to the contrary notwithstanding.

C A P. XX.

An act for making good the deficiencies of several funds therein mentioned; and for enlarging the capital stock of the bank of England; and for raising the publick credit.

WHEREAS several persons, as well natives as foreigners, bodies politick and corporate, did advance and lend, at the receipt of his Majesty's Exchequer, very considerable sums of money, upon the security of the several and respective aids, revenues, or funds, herein after mentioned; that is to say, upon the first aid of four shillings in the pound, payable out of lands and other things for one year, by virtue of an act of parliament made and passed in the fourth year of the reign of his Majesty and the late Queen of blessed memory, whereby interest, not exceeding the rate of seven pounds per centum per annum, was allowed for the sums borrowed in pursuance thereof; and upon the third aid of four shillings in the pound, payable out of lands and other things for one year, by virtue of an act of parliament made and passed in the sixth year of his Majesty's reign, whereby interest, not exceeding the rate of five pounds per centum per annum, was allowed for the sums thereby borrowed; and upon the fourth aid of four shillings in the pound, payable out of lands and other things, for one year, by virtue of an act of parliament made and passed in the seventh year of his Majesty's reign, whereby interest, not exceeding the rate of six pounds, per centum per annum, is allowed for the sums borrowed in pursuance thereof; and upon the monies which were to arise by an act passed in the parliament holden at Westminster, in the fifth and sixth years of their said Majesties reign, whereby a poll was granted to their Majesties, payable quarterly for one year; which monies were directed to be applied to satisfy the principal of such loans; and upon the monies which were to arise by the three fourth parts of the customs, after satisfaction of the principal and interest of five hundred thousand pounds charged thereupon by an act of parliament in the second year of their said Majesties reign; for which loans so made, and which were intended to be paid out of the three fourths of the customs, the lenders were intitled to receive interest after the rate of six pounds per centum per annum. And whereas the greatest part of the monies so lent upon the aids, revenues, or funds, before mentioned, hath been actually satisfied and paid off, but the several terms, for which the said respective aids of four shillings in the pound, and the said poll money, were granted, being determined and expired, and three hundred thousand pounds per annum out of the revenue of customs, being appropriated by act of parliament to the satisfaction of other loans, it doth plainly appear that the several aids and funds herein before mentioned are deficient, and could not fully satisfy all the monies which were charged thereupon, and the interest thereof; and for so much as remains unsatisfied, the respective lenders, their executors, administrators, and assigns, have, or are intitled to have, in their hands, tallies and orders of repayment levied and drawn according to the forms used in his Majesty's receipt of Exchequer: And whereas by an act made and passed in the parliament holden at Westminster

in the seventh and eighth years of his Majesty's reign, intituled, An act for continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes and other earthen wares, for carrying on the war against France, and for establishing a national land bank, and for taking off the duties upon tunnage of ships and upon coals, his Majesty was impowered to borrow or take into the receipt of the Exchequer any sum or sums of money, either upon the credit of repayment by orders to be registred and paid in course, with interest after the rate of seven pounds per centum per annum, or upon credit of bills to be made payable upon demand, with interest not exceeding the rate of three pence per diem for every one hundred pounds, so as that the principal sums, which at any one time should be due and owing either upon the said orders, or upon the said bills, or both, should not exceed the sum of two millions five hundred sixty four thousand pounds; and out of the monies to be raised by the act last mentioned, it was directed and intended, that the sums following should be paid and applied, that is to say, the sum of five hundred and sixty thousand pounds to discharge monies which were lent at the receipt of Exchequer upon the security of certain duties upon glass wares, stone and earthen bottles, coals and culm (which duties upon coals and culm were taken away by the act last mentioned) and the interest thereof, one hundred and forty thousand pounds to answer and make good the rates and duties of tunnage upon ships, from the seventeenth day of May, one thousand six hundred ninety six, until the seventeenth day of May, one thousand six hundred ninety seven (which duties of tunnage upon ships was also taken away by the same act) and the further sum of one hundred and forty thousand pounds to answer and make good the rates and duties upon salt, from the said seventeenth day of May, one thousand six hundred ninety six, until the said seventeenth day of May, one thousand six hundred ninety seven, in the manner therein mentioned; which said several sums of five hundred and sixty thousand pounds, one hundred and forty thousand pounds, and one hundred and forty thousand pounds, amounting in the whole to eight hundred and forty thousand pounds, being taken or subducted from the said sum of two millions five hundred sixty four thousand pounds, the remainder thereof will amount to one million seven hundred twenty four thousand pounds, which is borrowed, or may be borrowed by his Majesty for the service of the war against France; and the person or persons who have advanced, or shall advance the same, his, her, or their executors, administrators, or assigns, have, or may have, in their hands, tallies, and orders of repayment, or bills for the sums so advanced, or to be advanced, which cannot in any reasonable time be satisfied out of the said duties chargeable therewith by the act last mentioned: and whereas several persons did advance and lend, at the said receipt of the Exchequer, several other sums of money, at the rate of seven pounds per centum per annum for interest, upon the credit of two third parts of the excise of eighteen pence per barrel, and other additional duties of excise upon beer, ale, and other liquors, which were granted to their said Majesties for four years, by an act of parliament in the second year of their reign, and afterwards continued by a subsequent act of parliament in that behalf, until the seventeenth day of

D 2

May,

5 & 6 W. &
M. c. 7.

4 & 5 W. &
M. c. 5.

5 & 6 W. &
M. c. 21.

6 W. & M.
c. 1.

6 & 7 W. 3.
c. 3.

6 & 7 W. 3.
c. 6.

7 & 8 W. 3.
c. 10.

May, one thousand six hundred ninety seven, from which time the same, or the like duties of excise, as are continued or granted by act of parliament for other uses: and whereas several persons, as well natives as foreigners, bodies politick and corporate, have also advanced and lent at the said receipt of the Exchequer, very considerable sums of money upon the security of other aids, supplies, impositions, revenues, or funds, herein after mentioned, that is to say, upon certain additional impositions upon several goods and merchandizes, which were granted their said Majesties by an act passed in the parliament holden at Westminster, in the fourth and fifth years of their reign, to continue until the first day of March, one thousand six hundred ninety six, which act allows interest after the rate of eight pounds per centum per annum for the monies thereby borrowed, and upon certain duties payable for vellum, parchment, and paper, for four years, which commenced from the twenty eighth day of June, one thousand six hundred ninety four, by virtue of an act which passed in the parliament holden at Westminster, in the fifth and sixth years of the reign of their said Majesties, whereby there was allowed interest, not exceeding the rate of eight pounds per centum per annum, for the monies lent in pursuance thereof; and upon credit of a certain yearly sum of three hundred thousand pounds, payable for five years, from the five and twentieth day of December, one thousand six hundred ninety four, out of monies arising by the subsidy of tunnage and poundage, and other duties upon merchandizes exported and imported, by virtue of several acts of parliament, passed in the sixth year of the reign of their said Majesties, wherein a credit was given for any sums, not exceeding one million two hundred and fifty thousand pounds to be repaid, with interest, not exceeding the rate of five pounds per centum per annum for the first three hundred thousand pounds, six pounds per centum per annum for the second three hundred thousand pounds, seven pounds per centum per annum for the third three hundred thousand pounds, and eight pounds per centum per annum for the remaining three hundred and fifty thousand pounds; and upon credit of an act made in the parliament holden at Westminster, in the sixth and seventh years of his Majesty's reign, for granting certain rates and duties upon marriages, births, burials, batchelors, and widowers, for the term of five years, from the first day of May, one thousand six hundred ninety five, whereby interest, not exceeding the rate of eight pounds per centum per annum, is allowed for the sums lent in pursuance thereof; and upon the credit of several impositions, payable for wines, vinegar, tobacco, East India goods, and other merchandizes imported, continued, until the twenty ninth day of September, one thousand seven hundred and one, by virtue of an act passed in the parliament, which was holden at Westminster, in the seventh and eighth years of his Majesty's reign, whereby a credit was given for borrowing any sums, not exceeding one million five hundred thousand pounds, to be repaid with interest not exceeding the rate of five pounds per centum per annum for the first four hundred thousand pounds, six pounds per centum per annum for the second four hundred thousand pounds, seven pounds per centum per annum, for the third four hundred thousand pounds, and eight pounds per centum per annum for the remaining three hundred thousand pounds; and whereas a great part of the monies so lent, upon the two third

part.

parts of the said additional duties of excise, and upon the said additional impositions payable for goods and merchandizes, and upon the said duties payable for vellum, parchment, and paper, and upon the said three hundred thousand pounds per annum, charged upon the subsidy of tunnage and poundage, and upon the said duties charged upon marriages, births, burials, batchelors and widowers, and upon the said continued impositions payable for wines, vinegar, tobacco, East India goods, and other merchandizes imported, hath been actually repaid and satisfied with interest; but by computing the product of these duties for the time past, and considering the terms yet to come and unexpired in them respectively, it is supposed and feared that the same duties respectively, at the end of the several terms for which they are granted as aforesaid, will be more or less deficient to answer, pay off, and clear all the principal and interest of the monies which were authorized to be borrowed thereupon, and the persons intitled to the monies not paid off upon the duties last mentioned, have or may have, in their hands, tallies and orders of repayment for the same: and whereas several persons or corporations did advance and lend, at the said receipt of Exchequer, other considerable sums of money upon the credit of an act made in the parliament holden at Westminster, in the fourth and fifth years of their said Majesties reign, intituled, An act for continuing certain acts therein mentioned, and charging several joint stocks, wherein a credit was given for the borrowing any sum not exceeding five hundred thousand pounds, at interest not exceeding eight pounds per centum per annum, part of which monies doth still remain unsatisfied, and the persons intitled thereunto have likewise tallies and orders of repayment for the same; and pursuant to another act made and passed in the parliament holden at Westminster, in the seventh and eighth years of his Majesty's reign, intituled, An act for laying several duties upon low wines or spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise; several other sums of money have been lent to his Majesty, not exceeding seventy thousand pounds, on credit of the rates or duties upon low wines, or spirits of the first extraction, and sweets thereby granted, to be repaid with interest not exceeding the rate of six pounds per centum per annum for the first forty thousand pounds, and seven pounds per centum per annum for the remainder thereof; and by virtue of the same act, and of another act made and passed in this present session of parliament to explain the same, the weekly sum of six thousand pounds arising by or out of the hereditary branch of his Majesty's revenues of excise upon beer, ale and other liquors, and by or out of that part of the said revenues of excise which is granted to his Majesty during his life (which God preserve) commonly called, The hereditary and temporary excise, and the weekly sum of six hundred pounds out of the money or revenue from time to time arising in the general letter office or post office, do severally stand charged to pay off and satisfy in course several tallies of Pro, or assignment, or other tallies in those acts mentioned, for the payment whereof provision is thereby made, together with such several and respective rates of interest for the same as are thereby allowed: and whereas by reason of the deficiencies of several of the aids, supplies, impositions and duties above mentioned, which

4 & 5 W. & M. c. 15.

7 & 8 W. 3. c. 30.

8 W. 3. c. 3.

have not or will not be sufficient to answer the principal and interest charged thereupon, and by reason of the remoteness of the course of payment of the tallies and orders charged upon some of them, and upon other the duties in this act before mentioned, the owners of the said tallies or orders are frequently necessitated to sell and dispose thereof at great loss, or at an excessive discount, whereby the publick credit is very much prejudiced and impaired, and the trade, and other publick and private affairs within this realm do exceedingly suffer: and whereas it is computed or estimated, that the deficiencies or sums, which are or will be wanting to satisfy and pay off all principal and interest due or to be due on the deficient aids, duties or funds before mentioned (over and above all arrears, standing out upon any of them, which are determined, and over and above all monies to be raised by such of them as are yet unexpired) do or may amount to the sums following; that is to say, upon the said first aid of four shillings in the pound, fifty five thousand six hundred twenty two pounds, ten shillings and five pence; upon the said third aid of four shillings in the pound, four hundred and seven thousand three hundred seventy and two pounds, and three pence; upon the said fourth aid of four shillings in the pound, nine hundred and seventeen thousand one hundred and one pounds, thirteen shillings, and two pence halfpenny; upon the said quarterly poll, eighty nine thousand two hundred seventy five pounds, thirteen shillings, and four pence; upon the said three fourth parts of the customs, two hundred and thirteen thousand four hundred forty seven pounds, fifteen shillings and nine pence; upon the said act charging salt, and other things therein mentioned, one million, seven hundred and eleven thousand and five hundred pounds; upon the said two third parts of the additional excise, one hundred and sixty thousand pounds; upon the said additional impositions payable for goods and merchandizes, four hundred forty five thousand one hundred seventy seven pounds, seven shillings, and four pence; upon the said duties payable upon vellum, parchment, and paper, two hundred twenty four thousand one hundred and fourteen pounds, seven shillings, eight pence halfpenny; upon the said duties charged upon marriages, births, burials, batchelors, and widowers, six hundred forty and eight thousand pounds; and upon the said continued impositions payable for wine, vinegar, tobacco, East India goods, and other merchandizes imported, one hundred forty six thousand one hundred eighty one pounds, nineteen shillings, and five pence halfpenny; and on the said yearly sum of three hundred thousand pounds out of the subsidy of tunnage and poundage, one hundred forty two thousand six hundred sixty six pounds, seven shillings, three pence, and three farthings, amounting in the whole to the sum of five millions, one hundred and sixty thousand four hundred fifty and nine pounds, fourteen shillings, nine pence, one farthing: We your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, having duly weighed and considered the premises, and being desirous to raise such aids and supplies, and to use such proper methods, as may make good the said deficiencies, and raise the publick credit, have cheerfully and unanimously given and granted unto your Majesty the supplies, impositions and other duties herein after mentioned, for and during the respective

tive terms hereafter expressed, and do beseech your Majesty to accept thereof, and that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the subsidy of tunnage and poundage, and other sums of money payable upon merchandizes exported and imported, which were given and granted unto his late Majesty King *Charles* the Second for his life, by an act of parliament made in the twelfth year of his reign, intituled, *A subsidy granted to the King of tunnage and poundage, and other sums of money payable upon merchandizes exported and imported*, and which by an act of parliament made in the sixth year of his Majesty's reign, were granted and continued for the term of five years, to commence on the six and twentieth day of *December*, one thousand six hundred ninety four, shall be continued to his Majesty, from the expiration of the said term of five years, until the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six, and no longer; and that the said act made in the twelfth year of the reign of King *Charles* the Second, and every article, rule and clause therein mentioned, and also an order of the commons in parliament assembled, made in pursuance of the rules and orders annexed to the aforesaid act, for settling of officers fees, dated the seventeenth day of *May*, one thousand six hundred sixty two, and signed by Sir *Edward Turner*, then speaker, shall be of full force and effect, to all intents and purposes, until the said first day of *August*, one thousand seven hundred and six, as fully and in like manner, as if the same were particularly and at large recited and set down in the body of this act.

II. And be it further enacted by the authority aforesaid, That an act of parliament made in the twelfth year of the reign of the said King *Charles* the Second, intituled, *An act to prevent frauds and concealments of his Majesty's customs and subsidies*, as also an act made in the fourteenth year of the reign of the said late King, intituled, *An act for preventing frauds, and regulating abuses, in his Majesty's customs*; and also an act made in the two and twentieth year of the reign of the said late King *Charles* the Second, intituled, *An act for the improvement of tillage, and the breed of cattle*; and also one other act made in the five and twentieth year of the reign of the said late King *Charles* the Second, intituled, *An act for taking off aliens duties upon commodities of the growth, product, and manufacture of the nation*; and also one other act made in the said five and twentieth year of the said late King *Charles* the Second, intituled, *An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trades*; and also one other act made in the first year of the late King *James* the Second, intituled, *An additional act for the improvement of tillage*, and all the clauses and directions whatsoever contained therein, or in the said act passed in the sixth year of the reign of his Majesty and the said late Queen, for granting to them the said subsidy of tunnage and poundage, and other

12 Car. 2. c. 4.

6 W. 3. c. 7.

Tunnage and poundage continued till

1 Aug. 1706.

By 10 & 11 W.

3. c. 21. s. 27.

nothing in this

act shall charge

brandy with the

duty of 2s. per

gallon, &c.

And by 11 & 12

W. 3. c. 20.

Duties on cloth,

&c. exported

are determined.

Several other

acts to be of

force till 1706.

12 Car. 2. c. 19.

13 & 14 Car. 2.

c. 11.

22 Car. 2. c. 13.

25 Car. 2. c. 6.

25 Car. 2. c.

1 Jac. 2. c. 19.

6 W. & M. c. 1.

sums of money upon merchandizes exported and imported, be of full force and effect until the said first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six.

Clauses in any forementioned act intended to be perpetual, to continue so,

And such as would otherwise determine, to be revived.

Duties on wines and vinegar by 1 Jac. 2. c. 3. continued until 1796.

III. Provided nevertheless, and be it declared and enacted, That nothing herein contained shall be construed or taken to determine any articles or clauses in any of the last mentioned acts hereby enacted to be in force until the said first day of *August*, one thousand seven hundred and six, which were appointed and intended to be perpetual, or which are continued by any act of parliament, for any time which will not expire by or before the said first day of *August*, one thousand seven hundred and six, but that the same, and every of them, shall continue and remain in force, as if this present act had not been made: but such of the said acts, and such clauses in any of them, as would otherwise determine before the said first day of *August*, one thousand seven hundred and six, shall hereby be revived and stand, continue, and be in force, until the said first day of *August*, one thousand seven hundred and six, and no longer.

IV. And be it further enacted by the authority aforesaid, That the several impositions and duties upon wines and vinegar, granted by an act made in the first year of the reign of the late King *James* the Second, intituled, *An act for granting to his Majesty an imposition upon all wines and vinegar imported between the twenty fourth day of June, one thousand six hundred eighty five, and the twenty fourth day of June, one thousand six hundred ninety three*; which said act, by several acts of parliament afterwards passed, hath been continued, and is to continue until the nine and twentieth day of *September*, one thousand seven hundred and one, shall be continued from the eight and twentieth day of *September*, one thousand seven hundred and one, until the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six, and no longer; and that the said act so made in the first year of the reign of the late King *James* the Second, and all powers, provisions, penalties, articles and clauses therein contained, for or concerning the said imposition on wines and vinegar, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and six, and shall be applied, practised and executed for the raising, levying, collecting, answering and paying the said duties upon wine and vinegar hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if all and every the clauses, matters and things in the said act of the first year of King *James* the Second contained, hath been again repeated in this act, and particularly enacted.

1 Jac. 2. c. 4.

V. And be it further enacted by the authority aforesaid, That that the rates, duties and impositions upon all sorts of tobacco, granted by an act made in the first year of the reign of the said late King *James*, intituled, *An act for granting to his Majesty an imposition upon all tobacco and sugar imported between the four and twentieth day of June, one thousand six hundred eighty five, and the four and twentieth day of June, one thousand six hundred ninety three*, which

said

said act, as for and concerning the said duties and impositions upon tobacco only, was by several acts of parliament afterwards made, continued, and is to continue to the nine and twentieth day of *September*, one thousand seven hundred and one, shall be continued from the twenty eighth day of *September*, one thousand seven hundred and one, until the said first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six, and no longer.

VI. Provided always, and be it enacted and declared by the authority aforesaid, That the said duty upon tobacco, which shall be imported during the term hereby granted, shall be secured, collected, raised, levied, answered and paid to his Majesty in such method, and with such discount and allowances, and according to such rules and directions, as are mentioned, referred to, or prescribed, as to the duties or impositions upon tobacco, in and by the said act made in the parliament holden in the seventh and eighth years of his Majesty's reign (intituled, *An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco and East-India goods and other merchandizes imported, for carrying on the war against France*) and not otherwise.

VII. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties, and charges, upon the several sorts of goods and merchandizes, granted by an act made in the second year of their said Majesties reign, (intituled, *An act for granting to their Majesties certain impositions upon all East-India goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of December, one thousand six hundred and ninety*) and which thereby, and by several other acts afterwards passed, were to have continuance and are to continue until the nine and twentieth day of *September*, one thousand seven hundred and one, shall be further continued from the eight and twentieth day of *September*, one thousand seven hundred and one, until the said first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six, and no longer: and that the said act made in the second year of their said Majesties reign, concerning *East-India* goods and other things therein charged, and all powers, provisions, penalties, articles, and clauses therein contained, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and six, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said respective duties hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if the said last mentioned act, and all and every the clauses, matters, and things, therein contained, had been again repeated and enacted particularly, except only as to such part of the said acts concerning the said impositions on wines, vinegar, tobacco, *East-India* goods, and other merchandizes imported, touching which other provisions or alterations are made by any act

Duty on tobacco to be paid according to the act of 7 & 8 W. 3. c. 10.

Additional duties on goods and merchandizes, by 2 W. & M. II. 2. c. 4. continued until 1706.

Other acts continued.

Exception.

7 & 8 W. 3. c. 10. act

7 & 8 W. 3.
c. 10.

act or acts of parliament now in being, which other provisions or alterations are to be observed, and to continue during the continuance of this act, and the said act, intituled, *An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco, and East-India goods and other merchandizes imported, for carrying on the war against France*, and every article, clause, matter, and thing, therein contained, for the raising, levying, securing, answering, and paying the impositions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, shall be of full force and effect, until the said first day of *August*, one thousand seven hundred and six.

Additional
impositions on
goods and
merchandizes,
by 4 & 5 W.
& M. c. 5 con-
tinued until
1706.

VIII. And be it further enacted by the authority aforesaid, That the additional and other rates, duties, impositions, and charges, upon the several sorts of goods and merchandizes, granted by an act of parliament made in the fourth and fifth years of their said Majesties reign, intituled, *An act for granting to their Majesties certain additional impositions upon several goods and merchandizes, for prosecuting the present war against France*, and which were thereby to have continuance, from the first day of *March*, one thousand six hundred ninety two, to the first day of *March*, one thousand six hundred ninety six, shall be continued from the last day of *February*, one thousand six hundred ninety six, to the said first day of *August*, which shall be in the year of our Lord, one thousand seven hundred and six, and no longer; and that the said act last mentioned, and all powers, provisions, penalties, articles, and clauses, therein contained, as herein after is excepted and provided, as for and concerning the said rates, duties, and impositions, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and six, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes as if the said last mentioned act, and all and every the clauses, matters, and things, therein contained, had been again repeated and enacted in this act particularly.

4 & 5 W. &
M. c. 5.
Lapis calami-
naris exported
to pay only 2s.
per tun over
and above the
rate in the
book of rates.

IX. And whereas by the said act passed in the fourth year of their Majesties reign, for granting the said additional impositions on goods and merchandizes, the sum of twenty shillings is imposed on every tun of lapis calaminaris exported, which was found by experience to hinder the exportation thereof, and utterly to ruin the manufacture; it is therefore hereby provided and enacted by the authority aforesaid, That for and during the continuance of the said additional impositions, the sum of two shillings only shall be paid for every tun of lapis calaminaris, exported, over and above the rates thereon charged by the book of rates, to be collected as in and by the said act is directed and appointed; any thing in this or the last mentioned act contained to the contrary notwithstanding.

Bar or ham-
mered iron im-

X. And whereas the scarcity and dearth of iron in this kingdom have of late much discouraged the manufactures thereof, in which great numbers

numbers of the poor are employed; be it therefore further provided and enacted by the authority aforesaid, That it shall and may be lawful to import into this kingdom from *Ireland*, any bar iron unwrought, and iron slit or hammered into rods (other than *Swedish* or other foreign iron) discharged of the impositions and duties laid upon the same by this or the said act for granting the said additional impositions; any thing in this or the said act contained to the contrary notwithstanding.

ported from Ireland discharged of the additional duties.

XI. Provided also, That in all cases where any other provision or alteration is made, by any act or acts of parliament now in being, in or about any other matter or thing contained in the said act of parliament for the impositions last mentioned, such other provisions or alterations shall be observed during the continuance of the term hereby granted in the same impositions; any thing herein contained to the contrary notwithstanding.

Provisions continued concerning these impositions.

XII. And be it further enacted by the authority aforesaid, That the several rates and duties granted to their said Majesties, by an act made in the fifth and sixth years of their reign, intituled, *An act for granting to their Majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France*, and which were thereby to commence from and after the eight and twentieth day of *June*, one thousand six hundred ninety four, shall be, and are hereby continued after the expiration of the said term of four years, until the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six; and that the said act, and all powers, provisions, articles, and clauses, therein contained, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and six, and shall be applied, practised, and executed, for the raising, levying, collecting, answering and paying the said duties hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if the said last mentioned act, and all and every the clauses, matters, and things, therein contained, had been again repeated and enacted in this act particularly.

5 & 6 W. & M. c. 21. Duties on vellum, parchment, and paper continued until 1706. See the note on 5 & 6 W. & M. c. 21.

XIII. Provided always, and it is hereby further enacted, That in all cases where any further or other provision, or any alteration, is made by any other act or acts of parliament now in being, in relation to the said duties upon vellum, parchment, and paper, such other provisions or alterations shall be observed and complied with during the continuance of the term hereby granted in the same duties; any thing herein contained to the contrary notwithstanding.

Proviso.

XIV. And be it further enacted by the authority aforesaid, That the rates, duties, impositions, and sums of money, granted to his Majesty, by an act passed in the sixth and seventh years of his reign, intituled, *An act for granting to his Majesty certain rates and duties upon marriages, births, and burials, and upon bachelors, and widowers, for the term of five years, for carrying on*

Duties on marriages, births, and burials, by 6 & 7 W. 3. c. 6. continued until 1706. the EXP.

the war against France with vigour, and which were thereby to commence from the first day of May, one thousand six hundred ninety five, shall be, and are hereby continued, from and after the expiration of the said term of five years, until the said first day of August, which shall be in the year of our Lord one thousand seven hundred and six, and no longer, and shall be raised, levied, collected, answered, and paid unto his Majesty, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned in the same act for raising, levying, collecting, answering, and paying the same, and which were thereby prescribed for the four last years of the term thereby granted; and that the said recited act last mentioned, and every article, rule, and clause, therein mentioned, as for and concerning the said rates, duties, and impositions, shall continue and be in full force, to the said first day of August, one thousand seven hundred and six, as fully and amply as if the same were particularly recited, expressed, and enacted in the body of this act.

Duties on
houses by 7 &
3 W. 3. c. 18.
continued un-
til 1706.
REP.
20 Geo. 2. c. 3.

XV. And be it further enacted by the authority aforesaid, That the rates, duties, impositions, and sums of money, granted by an act passed in the seventh and eighth years of his Majesty's reign, intituled, *An act for granting to his Majesty several rates or duties on houses, for making good the deficiency of the clipped money,* and which were thereby to continue for and during the term of seven years, from the five and twentieth day of *March*, one thousand six hundred ninety six, shall be, and are hereby continued, from and after the expiration of the said term of seven years, until the said first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six, and no longer; and shall be raised, levied, collected, answered, and paid unto his Majesty, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned in the same act for raising, collecting, levying, answering, and paying the same, and which were thereby prescribed for the six last years of the term thereby granted; and that the same act, and all powers, provisions, penalties, articles, and clauses, therein contained, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and six, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties thereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if all and every the clauses, matters, and things, in the said act contained, had been again repeated in this act, and particularly enacted.

The King
may appoint
officers for
surveying the
duties on mar-
riages, &c.
and for num-

XVI. And for the better ascertaining and collecting the said several rates and duties upon marriages, births, and burials, and upon batchelors and widowers, and the said several rates and duties upon houses; be it enacted, That it shall and may be lawful to and for his Majesty, his heirs and successors, from and after the five and twentieth day of *March*, one thousand six hundred nine-
ty

ty and seven, from time to time to give directions for constituting and appointing such person or persons, as his Majesty, his heirs and successors, shall think meet, to be the officer or officers for the survey and inspection of the rates and duties arising upon marriages, births, and burials, and upon batchelors, and widowers, and of the register or registers of all such marriages, births, and burials, within the several counties of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, and also of the duties arising upon houses within the same, and for viewing and numbring the several windows in each house (not already assessed at the rate of ten shillings) and for the inspecting and examining the assessments, or certificates thereof made and to be made from time to time in pursuance of the said acts for granting the said rates or duties, or any other thing belonging to the same: which officers, or any of them, shall have full power, to examine and supervise the register and registers of all marriages, births, and burials, and of the assessments of the same, and the assessments of the windows rated in every parish and place, as aforesaid, and to take copy or copies, or extracts of such register and assessments, and at seasonable times, with a constable, headborough, tythingman, or other officers of the respective parishes or places within the several counties of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, who are hereby required to assist accordingly, to view and examine whether there be any more windows (in houses not rated ten shillings) than is certified and rated in such assessment, and shall have liberty to make like view, examination, and inspection, twice in the year at the least, during the continuance of the said several duties by this or the said former acts for granting the same; and if upon or after such view, or examination and inspection of the registers and assessments, as aforesaid, such officer or officers shall find that any person or premises are under rated, or not rated and charged as by the said acts or either of them are directed and appointed, such officer or officers shall certify the same to the commissioners, or any two or more of them, within the division, hundred, parish, or place, wherein such neglect or failure shall happen to be, which said commissioners, or any two or more of them, shall, and are hereby required to cause such rate or rates to be set upon every such person and premises, as shall be according to the true intent and meaning of the said acts, and either of them.

bring windows in each house not assessed at 10s. officers to supervise the registers of marriages, &c.

And the assessments of windows, and take an extract and view twice a year.

And certify persons under-rated, to the commissioners.

XVII. *And whereas batchelors and widowers that are servants in husbandry, by their frequent removals are returned as fugitives, and escape the payment of the duties to which they are liable by the said act*; be it further enacted, That the duty or duties wherewith such servant or servants shall be charged, shall from time to time be paid by the master or mistress of such servant, and be deducted out of his, her, or their wages; any thing in the said act contained to the contrary notwithstanding.

Duty for servants in husbandry to be paid by the master, &c.

XVIII. And be it also enacted and declared, That where any house shall be inhabited by two or more families, such house shall as one,

House inhabited by two families, to pay as one,

shall nevertheless be subject to, and shall in like manner pay the rates and duties charged on houses by the said act, as if such house were inhabited by one family only.

Edifices in
inns of court,
&c. to pay for
windows as if
an entire
house.
House com-
mitted to a
servant, to
pay as if in-
habited.

XIX. And be it also enacted and declared by the authority aforesaid, That every edifice in any of the inns of court or chancery, being severally in the tenure or occupation of any person or persons, shall be subject to the same rates and duties for the number of windows therein, as if it were an entire house; and every house whereof the keeping only is committed or left to the care or charge of any person or servant, who doth not pay to the church and poor, shall be subject to the like rates and duties for the windows therein, as if it were inhabited by the occupier or by a tenant, and to be paid by the respective occupiers or tenants of the same.

Stock of the
bank of Eng-
land to be en-
larged by new
subscriptions.

XX. And for the better restoring of the credit of the nation, and advancing the credit of the corporation of the governor and company of the bank of *England*; be it enacted by the authority aforesaid, That the present common capital and principal stock of the said governor and company shall be augmented and enlarged by the voluntary new subscriptions of all such person and persons, natives and foreigners, bodies politick or corporate, who shall be willing to subscribe any sum or sums of money into the said present common capital and principal stock, and to answer and make good the same, in manner as herein after is appointed.

Stock of the
bank to be
computed.

XXI. And for the better settling and adjusting the right and property of each member of the present corporation of the governor and company of the bank of *England*, before any such enlargement as aforesaid be made thereunto; be it further enacted by the authority aforesaid, That before the four and twentieth day of *July*, one thousand six hundred ninety seven, the common, capital, and principal stock of the said governor and company shall be computed and estimated by the principal and interest owing to them from the King, or any others, and by cash or by any other effects, whereof the said capital stock shall then really consist, over and above the value of the debts which they shall owe at the same time for principal or interest to any other person or persons whatsoever; which computation shall be made and settled by seven of the present members of the said corporation, to be elected for that purpose at the general court of the old members, and by seven of the new subscribers, to be nominated and elected by the major part of such new subscribers, who are hereby authorized to meet at any time within ten days after the four and twentieth day of *June*, one thousand six hundred ninety and seven, to make such election: and in case the said members and subscribers shall not settle the same before the said four and twentieth day of *July*, one thousand six hundred ninety seven, then the value of the said capital stock shall be finally settled and adjusted by the lord keeper of the great seal of *England*, or by the lord chancellor, or commissioners for the custody of the great seal of *England* for the time being, who have

Old and new
members to
settle the ca-
pital stock,

or else lord
keeper to ad-
just the same.

have hereby power to settle and adjust the same, at any time before the four and twentieth day of *August*, one thousand six hundred ninety and seven; and in case by such settlement or adjustment of the value of the said stock it shall appear, that the same doth not amount to twelve hundred thousand pounds, then the members of the said corporation, being owners thereof, shall and are hereby obliged, at their own proper cost and charge, to contribute so much as will compleatly make the said capital stock twelve hundred thousand pounds, which contribution shall or may be made either in their own particular tallies and orders; or in bank bills or notes, whereunto they shall be respectively intitled; and in case the value of the said capital stock, upon such adjustment to be made, shall exceed twelve hundred thousand pounds, that then the sum so exceeding twelve hundred thousand pounds be divided amongst those who shall be the old members of the said corporation of the governor and company of the bank of *England*, according and in proportion to their respective interests at that time.

Capital stock
to be made up,
on 1,200,000*l.*
and the over-
plus divided.
12 & 13 W. 3.
c. 12. s. 14.

XXII. And for the better pursuing the end and intent of this act, in taking the said subscriptions, and for the greater ease and convenience of all his Majesty's subjects, and others, who shall be willing to make such subscriptions; be it enacted by the authority aforesaid, That such persons as his Majesty shall appoint by commission under the great seal of *England*, or any seven or more of them, shall be and are hereby authorized and appointed to be commissioners to take all such voluntary subscriptions as shall be made, on or before the four and twentieth day of *June*, which shall be in the year of our Lord one thousand six hundred ninety and seven, by or for any person or persons, natives or foreigners, or by or for any body politick or corporate, in the said capital and principal stock of the present governor and company of the bank of *England*, in manner as hereafter in this act is appointed: which commissioners are hereby ordered and directed, on or before the second day of *April*, one thousand six hundred ninety and seven, to provide and prepare one or more convenient house or houses within the cities of *London* and *Westminster*, or one of them, to be the publick office or place, offices or places, to which all or any persons shall or may resort, for the making of the said subscriptions, and to give such publick notice thereof, as they the said commissioners, or any seven or more of them, shall think will most conduce to the promoting the said subscriptions; and the said commissioners are hereby directed, on or before the said second day of *April*, to provide or cause to be provided, one or more book or books made of vellum or parchment, for the said subscriptions to be made therein; which book or books shall lie open every day in the week (*Sundays* only excepted) at the said publick office or offices from the said second day of *April*, to the said four and twentieth day of *June*, daily, and from the hour of eight to the hour of twelve in the morning, and from the hour of three to the hour of seven in the afternoon of each day.

The King
may appoint
commissioners
to take sub-
scriptions.

Commissioners
to provide
books for sub-
scriptions.

XXIII. And

Any persons
may subscribe
money for in-
larging the ca-
pital stock.

Subscriptions
how to be an-
swered and
made good.

XXIII. And for the better encouraging the said subscriptions to be made; be it further enacted by the authority aforesaid, That from and after the said second day of *April*, it shall and may be lawful to and for all and every person or persons, natives or foreigners, bodies politick and corporate, by and for themselves, or any of them, or by themselves or any of them in trust for any other person or persons, bodies politick or corporate, or any of them, freely to subscribe any sum or sums of money into the capital and principal stock of the said present governor and company, in order to the augmenting and enlarging thereof as aforesaid; which said subscriptions at the respective times of making the same, shall be answered and made good by the respective subscribers thereof to the said capital and principal stock of the said present governor and company, in the manner and proportion following (that is to say) four fifth parts of each respective and particular subscription (the value of the said whole subscriptions into five equal parts being divided) shall be answered and made good to the said capital and principal stock of the said present governor and company, by assigning to them the principal and interest whereunto such subscribers respectively shall be then really intitled by tallies of loan and orders of repayment, or by tallies of *pro* or assignment, for monies which were lent or advanced, or are or shall be charged as aforesaid, upon some of the aids, supplies, revenues, impositions, or other funds herein after mentioned, and by delivering up at the same time to the said governor and company, the tallies and orders so assigned; that is to say, upon the said first aid of four shillings in the pound, the said third aid of four shillings in the pound, the said fourth aid of four shillings in the pound, the said quarterly poll, the said three fourth parts of the customs, the said act for continuing the duties upon salt and other things, or upon the said two third parts of the additional excise, or upon the said additional impositions upon several goods and merchandizes, or upon the said duties payable for vellum, parchment and paper, or upon the said yearly sum of three hundred thousand pounds, payable out of the subsidy of tunnage and poundage, or upon the said duties charged upon marriages, births, burials, batchelors and widowers, or upon the said continued impositions payable for wines, vinegar, tobacco, *East-India* goods, or other merchandize imported, or upon the said act for continuing certain acts therein mentioned, and charging joint stocks, or upon the said duties payable for low wines, spirits and sweets, or which are or shall be charged upon the said weekly sum of six thousand pounds, issuing out of the hereditary and temporary excise, or upon the said weekly sum of six hundred pounds, issuing out of the revenue of the post office, and the other fifth part of each of the said subscriptions shall be answered and made good to the said capital stock of the said governor and company in bank bills or bank notes, which have so much money *bona fide* resting due thereupon, as the said one fifth part of the said respective subscriptions shall fully amount to.

XXIV. And

XXIV. And be it further enacted, That from and after the said four and twentieth day of *June*, and until such tallies and orders so subscribed, assigned and brought into the bank, shall be actually paid off and discharged, an interest of eight pounds *per centum per annum* shall be allowed and paid for all the principal which shall be due upon, or secured by the said tallies or orders so subscribed, assigned and brought in; and where an interest of eight pounds *per centum per annum* is not already granted by parliament for the same, or any of them, there shall be allowed so much as will compleat and make up the said interest of eight pounds *per centum per annum*, out of the respective funds and provisions by this act granted.

XXV. And in regard the said governor and company are to accept one fifth part of the said subscriptions in bank bills or bank notes, and are already possessed of several tallies or orders charged upon the aids or funds before mentioned, to a much greater value than the said fifth part in bank bills or bank notes will amount to; it is hereby further enacted, That the interest payable to the said governor and company of the bank of *England* upon so many of the said tallies or orders, whereof the principal shall be equal to the amount of the said fifth part to be subscribed in bank bills or bank notes, shall be augmented and raised to the rate of eight pounds *per centum per annum*, from the said four and twentieth day of *June*, until the same shall be actually paid off and discharged; the said governor and company, after the said subscriptions shall be compleated, delivering to the auditor of the receipt of *Exchequer* a schedule fairly written in parchment, and signed by the governor or deputy governor, containing the tallies and orders, not to exceed as aforesaid, whereupon they shall desire their interest to be so augmented to the said rate of eight pounds *per centum per annum*, and the said rate of eight pounds *per centum per annum* shall be payable to the said governor and company, and their successors, out of the respective funds or provisions by this act made or granted for that purpose; the several acts of parliament by which the said funds are settled, or any of them; or any clause, proviso, matter or thing, in them or any of them contained, or any other act, law, statute, usage or custom whatsoever, to the contrary thereof in any wise notwithstanding.

XXVI. And be it further enacted by the authority aforesaid, That all and every the person and persons, natives and foreigners, bodies polick and corporate, who shall so subscribe, or for whom such subscriptions shall be made, to the said capital stock of the present governor and company of the bank of *England* by virtue of this act, and who shall answer and make good their said subscriptions in the proportion of tallies, orders, bank bills, and bank notes as aforesaid, and the executors, administrators, successors or assigns of such person or persons, bodies politick or corporate as aforesaid, having any title or interest under any of the subscribers by virtue of this act, at the time of closing or shutting up of the said intended book or books of subscriptions, on the said four and twentieth day of *June*, shall immediately, from

Bank to allow 8l. per cent. on tallies brought in, until the principal be paid off,

and receive 8l. per cent. interest for one fifth part of the subscriptions, until paid off. After subscriptions compleated, governor to deliver a schedule of the tallies, &c. to the auditor of *Exchequer*.

Subscribers to the capital stock, incorporated with the present governor and company, &c.

and after the said four and twentieth day of *June*, be and shall be deemed and reputed to the members of, united to, and incorporated with the present governor and company of the bank of *England*, and their successors, and shall at all times from and after the said four and twentieth day of *June*, together with the present governor and company of the bank of *England*, and their successors, be and be construed, reputed, accepted and taken to be one body politick and corporate, by the name of *the governor and company of the bank of England*, and by the same name of the governor and company of the bank of *England* shall have a perpetual succession, and a common seal; and that they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements and hereditaments, of what kind, nature, or quality soever; and also to sell, grant, demise, aliene, or dispose of the same, and by the same name to sue and implead, be sued and impleaded, answer and be answered, in courts of record, or any other place whatsoever, and to do and execute all and singular other matters and things, by the name aforesaid, that to them shall or may appertain to do; subject nevertheless to the proviso or condition of redemption herein after mentioned.

After 1710.
Bank to cease
upon repay-
ment of sever-
al sums men-
tioned.

5 & 6 W. &
M. c. 20.

This clause
repealed by 7
Anne, c. 7.
f. 3.

During the
continuance
of the bank
of England,

XXVII. Provided always, and it is hereby further enacted, That at any time upon twelve months notice, after the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and ten, and not before, and upon repayment by parliament of the sum of twelve hundred thousand pounds mentioned in the said act, intituled, *An act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds towards carrying on the war against France*, unto the said governor and company of the bank of *England* hereby constituted and made, and of all arrears of the one hundred thousand pounds *per annum*, payable to the governor and company of the bank of *England*, and their successors, by virtue of the said recited act, and also upon payment of all the principal and interest monies which shall be owing to the said governor and company of the bank of *England*, hereby established, upon all such tallies, *Exchequer* orders, or parliamentary funds, which the said governor and company shall have remaining in their hands, or be intitled to at the time of such notice to be given as aforesaid, then and in such case and not till then, the said yearly payment of one hundred thousand pounds *per annum*, and also the said corporation, by this and the said former act established, shall cease and determine; any thing herein contained in any wise to the contrary notwithstanding.

XXVIII. And be it further enacted, That during the continuance of the corporation of the governor and company of the bank of *England*, no other bank, or any other corporation, society, fellowship, company, or constitution, in the nature of a bank

bank, shall be erected or established, permitted, suffered, countenanced, or allowed by act of parliament within this kingdom.

XXIX. And be it further enacted by the authority aforesaid, That all the interest due on such tallies or orders, which shall be so as aforesaid brought into the bank, upon the said intended subscriptions, by virtue of this act, being computed from the time to which interest hath been actually satisfied thereupon, to the end of the last preceding quarter of a year, next before the day appointed for beginning of such subscriptions, shall be accepted, taken, or allowed by the said commissioners, upon the taking the said subscriptions, as so much principal money subscribed and paid into the capital stock of the said governor and company: and that all assignments of orders on all such tallies, as shall be so brought in upon the said subscriptions, shall, before the making of such subscriptions, be registred in the *Exchequer*, by the proper owner or owners thereof; and in default or neglect of such registering as aforesaid, the said tallies or orders, so unregistred, shall not be accepted or taken, nor any subscription be allowed or permitted in respect of the same, until such orders shall be first duly registred, as aforesaid.

no other to be established.
by 6 Annæ, c. 22. s. 9. this restraint extended to all persons above the number of six.

Interest on tallies or orders to be taken as so much principal money. Assignments of orders to be registred before subscription, or not to be allowed.

XXX. And whereas in and by the said recited act of parliament, intituled, An act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds towards carrying on the war against France, it is enacted among other things, That the said corporation, to be made in pursuance of the said directions of the said recited act, should not borrow, or give security, by bill, bond, covenant, or agreement, under their common seal, for any more, further, or other sum or sums of money, exceeding in the whole the sum of twelve hundred thousand pounds, so that they should not owe at any one time more than the said sum under their common seal, unless it be by act of parliament upon funds agreed in parliament, and in such case only such further sums as should be so directed and allowed to be borrowed by parliament, and for such time only, until they should be repayed such further sums as they should borrow by such authority; and if any more, or further, or other sum or sums of money should be borrowed, taken up, lent or advanced, under their common seal, or for payment of which any bill, bond, covenant, or agreement, or other writing, should be made, sealed, or given, under the common seal of the said corporation, then, and in such case, all and every person and persons, who should be a member or members of the said corporation, his and their respective heirs, executors, and administrators, should in his and their respective private and personal capacities, be chargeable with and liable, in proportion for their several shares or subscriptions, to the repayment of such monies which should be so borrowed, taken up, or lent, with interest for the same, as in and by the said recited act, among other things, may appear; be it therefore enacted by the authority aforesaid, That it shall and may be law-
ful to and for the said governor and company of the bank of

Bank may borrow any sum above the

1,2000,000l.
not exceeding
the sum sub-
scribed.

In default of
payment bills
to be paid at
the Exchequer,

out of money
due to the
bank.

Bills made for
above
1,200,000l. to
be expressed
and distin-
guished.

Bank stock
and interest
thereof ex-
empted from
taxes.

Growing inte-
rest on tallies,
and the year-
ly fund, &c.
applied to the
use of all mem-
bers of the
corporation
in proportion
to their shares.

England, and their successors, to borrow or give security, by bills or agreement, under their common seal, for any sum or sums of money (over and above the said sum of twelve hundred thousand pounds mentioned in the said recited act) so as the same exceed not the value of the sum which shall be subscribed by virtue of this act. Provided the said governor and company do oblige themselves in their said bills, by them to be given out, to answer and pay the money therein mentioned upon demand. And in default of such payment demanded at the bank, between the hours of nine and twelve in the forenoon, and the default thereof being proved by an affidavit made in writing before the barons of the *Exchequer*, or any one of them, be it enacted, that all such bills, over and above the said twelve hundred thousand pounds, be answered and paid at the *Exchequer*, out of the first money which shall be due or payable at that receipt to the said governor and company (other than their said yearly fund of one hundred thousand pounds *per annum*) and the said governor and company are hereby required in the making forth of the said bills for any sum, being over and above the said twelve hundred thousand pounds, to express the same to be made by virtue of this act, and otherwise to distinguish the same from all their said debts contained within the said sum of twelve hundred thousand pounds; any thing contained in the said recited clause, or in the said recited act, or any other act, law, statute, usage, or custom, to the contrary thereof in any wise notwithstanding.

XXXI. And be it further enacted, That the common, capital, and principal stock, and also the real fund of the governor and company of the bank of *England*, or any profit or produce to be made thereof, or arising thereby, or the particular share, part, and interest of any member of the said corporation in the said stock or fund, or the profit or produce to be made thereof, or arising thereby, shall be, and is hereby exempted from any taxes, rates, assessments, or impositions, whatsoever, during the continuance of the said bank.

XXXII. And be it further enacted, That from and after the completing of the said subscriptions to be taken by virtue of this act, the growing interest of all the tallies and orders brought in by virtue of the said subscriptions, till the principal thereon shall be paid off, and the said principal it self, so fast as the same shall be received, together with the said yearly payment of one hundred thousand pounds *per annum*, payable to the present governor and company by virtue of the said recited act, and all the profit, benefit, and advantage, from time to time arising out of the management of the said corporation, from and after the completing the said subscriptions, shall be applied to the uses of all the members of the said corporation of the governor and company of the bank of *England*, rateably and in proportion to each member's part, share, and interest in the common, capital, and principal stock of the said governor and company hereby established.

XXXIII.

XXXIII. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand six hundred ninety seven, the estate, interest, and stock of the money of the said corporation of the governor and company of the bank of *England*, and of each and every particular member thereof, shall be, and be adjudged, taken, and accepted, in construction of law, by all judges in all courts of law and justice, and in all courts and places whatsoever within this realm, to be a personal, and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, or intitled thereunto, and not to the heirs of such person or persons; any thing contained in the said act of parliament for erecting the bank, or in any other act, or any other law, statute, usage, or custom, to the contrary in any wise notwithstanding.

Bank stock to be a personal, and not a real estate,
and shall go to the executors, and not to the heir.

XXXIV. And for the preventing of clandestine or fraudulent bargains or dealings in bank stock for the future; be it further enacted by the authority aforesaid, That from and after the said five and twentieth day of *March*, which shall be in the year of our Lord one thousand six hundred ninety seven, no promise, contract, bargain, covenant or agreement, made either by word of mouth, or in writing, for the buying or selling of any bank stock, or for the transferring, changing, or altering, the property thereof, either in trust, or otherwise, however it be, shall be good or valid in law or equity, or adjudged to be legal, obligatory, or binding to either or any of the parties making the same, or concerned therein, or for whole use or account the same is or shall be made, unless such promise, contract, bargain, covenant, or agreement, shall be actually registred in words at length, in the book or books of the bank, by the officer thereunto appointed, within seven days, and actually transferred within fourteen days next after the making of such promise, contract, bargain, covenant, or agreement.

No contract for buying or selling bank stock to be good, till registred in the bank books.

XXXV. And be it further enacted by the authority aforesaid, That no act, matter, or thing, acts, matters, or things already done, or hereafter to be done, by the said corporation of the governor and company of the bank of *England*, or by their successors, or by the court of directors of the said corporation, or by any sub-committee appointed or to be appointed by the said corporation, shall forfeit or subject, or make liable to forfeiture, the particular, private, and personal estate, interest, stock, and property of any member of the said corporation; but that notwithstanding any act or acts, matter or matters, thing or things, done or to be done by the said governor and company of the bank of *England*, or by the said court of directors, or sub-committees, as aforesaid, the estate, stock, interest and property, with the whole proceed, benefit, profit, and advantage thereof, belonging to each and every member of the said whole corporation, and his particular right, claim, and title thereunto, and to every part thereof, shall be and remain unforfeited, untouched, whole, safe, and intire, to the proper use and benefit of each and every of the

No act of the corporation to subject the particular share of any member to forfeiture.

said members, subject nevertheless to the payment of all just debts contracted by the said corporation; any law, statute, usage, or custom, to the contrary notwithstanding.

Felony to
forge or
counterfeit the
common seal
or any bank
note, &c.

XXXVI. *And whereas of late divers frauds and cheats have been put upon the governor and company of the bank of England, by the altering, forging, and counterfeiting of the bank bills, and bank notes of the said governor and company, and by the raising and altering indorsements thereupon, to the great decay of credit:* for redressing the same for the future, be it enacted by the authority aforesaid, That the forging or counterfeiting the common seal of the said corporation of the governor and company, or of any sealed bank bill, made or given out in the name of the said governor and company, for the payment of any sum of money, or of any bank note of any sort whatsoever, signed for the said governor and company of the bank of *England*, or the altering or raising any indorsement on any bank bill or note of any sort, shall be, and is hereby declared and adjudged to be felony without benefit of clergy.

Officers of
Exchequer to
keep true ac-
counts of all
monies due to
the bank,

XXXVII. And be it further enacted by the authority aforesaid, That the auditor of the receipt of his Majesty's *Exchequer* for the time being, and all tellers, receivers, and officers whatever, in the said receipt of *Exchequer*, shall from time to time for ever hereafter keep just and true accounts, in a book or books fairly written, of all monies coming to their and every of their hands, which are or shall be appropriated, belonging, due, or owing to the said governor and company of the bank of *England*, as the same shall from time to time come into the receipt of *Exchequer*, or shall come to their several hands, either on account of the yearly fund of one hundred thousand pounds *per annum*, payable to the said governor and company by virtue of the said act of parliament for erecting the bank, or on account of any parliamentary funds, on the credit of which the said governor and company already have, or shall hereafter have lent or advanced any sum of money, or on account of the principal monies or interest due or to be due to the said governor and company on any tallies to them belonging, to which books the said governor and company, their assigns, agents and servants, shall have free access, from time to time, and at all seasonable times, without any fee or reward to be paid for the same, to inspect, search, examine, and copy out of the said books, as they shall think fit; which said auditor of the receipt shall from time to time duly direct the said orders, and the clerk of the pells shall record the same, and the tellers in the receipt of the *Exchequer* shall duly make payment thereupon, in their due course, without delay, to the said governor and company, their agents, servants and assigns; and if any such auditor, teller, receiver, or officer of the *Exchequer* for the time being, shall either neglect or refuse to keep such accounts, or to direct, record, or make such payments in due course and order, as are herein before required, or shall delay or put off the payment thereof, or divert or misapply any of the monies so as aforesaid or any otherwise, due or belonging to the said governor and company, in such case he or they so offending respectively, for any such offence shall forfeit his or their

on account of
the yearly or
other funds.

Payment to be
made in
course.

their places, and be ever afterwards incapable of enjoying any office or place of trust whatsoever, and also shall be liable to pay double the value of any sum or sums so delayed to be paid, or so diverted or misapplied as aforesaid, to the said governor and company, or to any person or persons grieved thereby, and who will sue for the same, to be recovered in any of his Majesty's courts of record in *Westminster*, by any action of debt or on the case, to be framed and founded on this act, or by bill, plaint or information, wherein no protection, wager of law, essoin, privilege of parliament, or any other privilege shall be allowed, nor any more than one imparlance.

XXXVIII. And be it further enacted by the authority afore-
 said, That all the monies which shall arise and be brought into
 the receipt of his Majesty's *Exchequer*, of or for the subsidy of
 tunnage and poundage, and other duties upon merchandizes
 therewith continued by this act from the five and twentieth day
 of *December*, one thousand six hundred ninety nine, until the
 said first day of *August*, one thousand seven hundred and six;
 and of or for the said impositions or duties upon wines, vinegar,
 tobacco, *East India* goods, wrought silks, and other duties,
 therewith continued by this act from the eight and twentieth day
 of *September*, one thousand seven hundred and one, until the
 said first day of *August*, one thousand seven hundred and six;
 and of or for the said additional and other rates, duties, im-
 positions and charges upon several sorts of goods and merchan-
 dizes by this act continued from the last day of *February*, one
 thousand six hundred ninety six, to the said first day of *August*,
 one thousand seven hundred and six; and of or for the said du-
 ties upon vellum, parchment and paper, by this act continued
 from the eight and twentieth day of *June*, one thousand six
 hundred ninety eight, until the said first day of *August*, one
 thousand seven hundred and six; and of or for the said rates
 and duties upon marriages, births, burials, batchelors, and wi-
 dowers hereby continued from the first day of *May*, one thou-
 sand seven hundred, until the said first day of *August*, one thou-
 sand seven hundred and six; and of or for the said several rates
 or duties upon houses, by this act continued from the five and
 twentieth day of *March*, one thousand seven hundred and three,
 until the said first day of *August*, one thousand seven hundred and
 six; and all the monies (if any such be) which from and after
 the full payment and satisfaction of the sums of money, not ex-
 ceeding fifteen hundred thousand pounds, borrowed upon the
 credit of the said act passed in the parliament holden in the se-
 venth and eighth years of his Majesty's reign, intituled, *An act*
for continuing several duties granted by former acts upon wine and vi-
negar, and upon tobacco and East India goods and other merchandizes
imported, for carrying on the war against France, and the interest
 thereof, shall arise and be brought into the *Exchequer*, of or for
 the said impositions or duties upon wines, vinegar, tobacco, *East*
India goods, wrought silks, and other goods, thereby granted or
 continued until the said nine and twentieth day of *September*, one
 thousand seven hundred and one; and all the monies, which

Monies arising by the several acts following to make good deficiencies of tunnage and poundage, wines, vinegar, tobacco, &c.

Additional impositions.

Vellum, parchment, and paper.

Marriages, births, and burials.

Rates on houses.

7 & 8 W. 3.
c. 10.

7 & 8 W. 3.
c. 18.

from and after the satisfaction of the principal sums, not exceeding seven thousand three hundred eighty two pounds, eleven shillings, and four pence, borrowed upon the said act made in the parliament holden in the seventh and eighth years of his Majesty's reign, intituled, *An act for granting to his Majesty several rates or duties upon houses for making good the deficiency of the clipped money*, and the interest thereof, and after that all the bills signed by the master and worker of his Majesty's mints, for the reward after the rate of six pence *per ounce* for every ounce of sterling silver proceeding from wrought plate, vessels, or any other manufactured silver, brought into any of his Majesty's mints between the fourth day of *May*, one thousand six hundred ninety six, and the fourth day of *November*, one thousand six hundred ninety six, shall be fully paid off and satisfied, shall arise and be brought into the *Exchequer*, of or for the said rates or duties upon houses, granted by the said act for seven years, from the five and twentieth day of *March*, one thousand six hundred ninety six; and all the monies, which from and after the full payment and satisfaction of the sums of money, not exceeding one million seven hundred twenty four thousand pounds, borrowed or to be borrowed as aforesaid, for the service of the war, upon credit of the said act passed in the parliament holden in the seventh and eighth years of his Majesty's reign, intituled, *An act for continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes, and other earthen wares, for carrying on the war against France, and for establishing a national land bank, and for taking off the duties upon tunnage of ships and vessels, and upon coals*, and after the interest thereof shall also be satisfied, shall arise and be brought into the said receipt of *Exchequer*, of and for the said duties upon salt, glass wares, stone and earthen wares, and upon tobacco pipes, and other the duties thereby granted or continued to his Majesty, his heirs and successors, shall be and are hereby declared to be the general fund, for making good the particular funds before in this act expressed or computed to be deficient, and are and shall be appropriated, issued and applied, for and towards the making good of the said deficient funds, by the payment and satisfaction of the principal and interest due and to grow due thereupon, in such manner and form, and according to such rules and methods, as are hereafter in this act prescribed and directed, and shall not be diverted or divertible to any other use, intent or purpose whatsoever, until all the said principal and interest shall be fully satisfied and paid off.

Money not di-
vertible.

XXXIX. And to the end all the monies which shall arise and be brought into the receipt of the *Exchequer*, of or for the several duties, impositions and revenues, which are hereby appropriated for making good of the deficient funds, and are before in this act particularly enumerated and declared to be the general fund for that purpose, may be duly issued and applied for and towards the payment and satisfaction of the principal and interest, due and to grow due upon the said funds hereby declared

clared or computed to be deficient, according to the true intent and meaning of this act; and that the monies by this act appropriated for that purpose, may not be diverted or applied to any other use than is hereby intended; be it further enacted and provided, That so much of the monies of the said general fund hereby appropriated as aforesaid, as shall arise and be brought into the said receipt of the *Exchequer*, at any time or times before the eight and twentieth day of *June*, one thousand six hundred ninety eight, as well for the said duties upon houses (after the said principal monies, not exceeding seven thousand three hundred eighty two pounds, eleven shillings, and four pence, and the interest thereof, and the said reward of six pence an ounce for silver shall be satisfied) as also for the said additional, and other rates, duties, impositions and charges upon several sorts of goods and merchandizes by this act continued from the last day of *February*, one thousand six hundred ninety six, shall be issued and applied for and towards the payment and satisfaction of the interest due or to grow due (as well to the bank of *England*, as to any other person or persons that are or shall be intitled to interest) of or for the loans that are or shall be remaining unsatisfied, which were made upon, or directed to be repaid out of the said first aid of four shillings in the pound, and the said third aid of four shillings in the pound, and the said fourth aid of four shillings in the pound, and the said quarterly poll, and the said three fourth parts of the customs, and the said two third parts of the additional excise, and such additional impositions and duties on goods and merchandizes, as were granted by the said act, ending on the first day of *March*, one thousand six hundred ninety six; and that out of the same monies so arising and brought into the *Exchequer*, at any time or times before the said eight and twentieth day of *June*, one thousand six hundred ninety eight, the said governor and company of the bank of *England*, and their successors, shall receive so much as will make up their part of the interest out of the funds last mentioned, to be after the rate of eight pounds *per centum per annum*, as well for such tallies and orders charged on those funds as shall be subscribed and brought into the bank as aforesaid, as for other their tallies and orders on those particular funds, whereof the interest is to be augmented to the said rate of eight pounds *per centum per annum*, by virtue and in pursuance of this act.

XL. Provided always, and be it enacted, That if the monies so arising, and being brought into the said receipt of *Exchequer* at any time or times before the said eight and twentieth day of *June*, one thousand six hundred ninety eight, as is before mentioned, shall not be sufficient to satisfy all the interest which in the mean time shall grow due to the said governor and company of the bank of *England*, and to all other persons intitled to interest out of the funds last mentioned, that then the commissioners of his Majesty's treasury, or any three or more of them now being, or the treasurer, or any three or more of the commissioners of the treasury for the time being, shall cause the monies

Monies arising before 28 June, 1698, for the duties on houses, after payment of 7,382 l. 11 s. 4 d. and interest, &c. also for additional rates on merchandizes, &c. continued by this act, to satisfy the interest due on the 1st, 3d, and 4th, 4 s. Aids, quarterly poll, &c.

after the rate of 8 l. per cent, per ann.

Interest how to be satisfied,

nies that shall so arise and be brought in at any time or times before the said eight and twentieth day of *June*, one thousand six hundred ninety eight, to be distributed and applied, so far as it will extend, to and for the payment of the said interest upon the funds last mentioned, so that a proportionable part thereof shall be issued for interest upon each of those funds, according and in proportion to the sum of all the principal money that shall then remain due thereupon.

Overplus to
be applied to
pay the prin-
cipal.

XLI. Provided also, and be it enacted, That if the monies so arising, and being brought into the said receipt of *Exchequer*, at any time or times before the said eight and twentieth day of *June*, one thousand six hundred ninety eight, as is before mentioned, shall be sufficient to satisfy all the interest, which in the mean time shall grow due to the said governor and company, and all others intitled to interest out of the funds last mentioned, with an overplus, that then the said commissioners of the treasury, or any three or more of them now being, or the treasurer, or any three or more of the commissioners of the treasury for the time being, shall cause the said overplus monies so arising, and being brought in at any time or times before the said eight and twentieth day of *June*, one thousand six hundred ninety eight, to be distributed and applied, so far as it will extend, to and for the payment of the principal monies owing upon the funds last mentioned and enumerated, so that a proportionable part thereof shall be issued for principal upon each of those funds, according and in proportion to the sum (whether it be greater or lesser) of all the principal monies that shall then remain due thereupon, and the monies so distributed to pay off principal upon each of those funds, shall be issued in satisfaction of principal monies, which shall in course be payable to the said governor and company, or to any other persons out of the same funds respectively.

XLII. And as to, for and concerning so much of the monies of the said general fund hereby appropriated as aforesaid, as shall arise and be brought into the said receipt of *Exchequer*, at any time or times after the said eight and twentieth day of *June*, one thousand six hundred ninety eight, as well for the said duties upon houses, as for the said additional and other rates, duties, impositions and charges upon several sorts of goods and merchandizes, during the continuance of this act; and as to, for and concerning so much of the monies of the said general fund hereby appropriated as aforesaid, as shall arise and be brought into the said receipt of *Exchequer*, at any time or times of or for the several duties, impositions or revenues herein after mentioned (that is to say) of or for the said duties upon vellum, parchment and paper, by this act granted and continued from the eight and twentieth day of *June*, one thousand six hundred ninety eight, until the said first day of *August*, one thousand seven hundred and six, and of and for the said subsidy of tunnage and poundage, and other duties upon merchandizes therewith granted and continued by this act, from the said five and twentieth day of *December*, one thou-

thousand six hundred ninety nine, until the said first day of *August*, one thousand seven hundred and six, and of and for the said rates and duties upon marriages, births, burials, batchelors and widowers, hereby granted and continued from the first day of *May*, one thousand seven hundred, until the said first day of *August*, one thousand seven hundred and six, and of or for the said impositions or duties upon wines, vinegar, tobacco, *East India* goods, wrought silks, and other duties therewith granted and continued by this act from the eight and twentieth day of *September*, one thousand seven hundred and one, until the said first day of *August*, one thousand seven hundred and six, and all the monies (if any such be) which from and after the full payment and satisfaction of the said sums, not exceeding fifteen hundred thousand pounds, borrowed upon the credit of the said act passed in the parliament holden in the seventh and eighth years of his Majesty's reign, for the said continued duties upon wines, vinegar, tobacco, *East India* goods, and other merchandizes, shall arise thereby, until the said nine and twentieth day of *September*, one thousand seven hundred and one, and be brought into the said receipt of *Exchequer*, and as to all the monies, which from and after the full payment and satisfaction of the sums of money, not exceeding one million, seven hundred twenty four thousand pounds, borrowed or to be borrowed as aforesaid, for the service of the war, upon credit of the said act for continuing and making perpetual the said duties upon salt, glass wares, stone and earthen wares, and upon tobacco pipes, and other the duties thereby granted or continued; it is hereby further enacted and provided, That all the monies so arising and brought from time to time into the said receipt of *Exchequer*, of or for the said general fund, consisting of the said several duties, impositions and revenues before enumerated and mentioned, as the same shall from time to time commence or take effect, shall be distributed, issued and applied, to and for the payment of principal and interest charged upon or directed to be paid as aforesaid, out of the said deficient funds; that is to say, the said first aid of four shillings in the pound, the said third aid of four shillings in the pound, the said fourth aid of four shillings in the pound, the said quarterly poll, the said three fourth parts of the customs, the said duties upon salt, glass wares, and other earthen wares, and tobacco pipes, the said two third parts of the additional excise, the said additional impositions payable for goods and merchandizes, the said duties payable upon vellum, parchment and paper, the said rates and duties payable upon marriages, births and burials, batchelors and widowers, the said continued impositions payable for wines, vinegar, tobacco, *East India* goods, and other merchandizes imported, and upon the said yearly sum of three hundred thousand pounds payable out of the subsidy of tunnage and poundage; so as that a proportionable part of the monies so coming in, to be distributed as aforesaid, shall be distributed, issued and applied, to pay principal and interest upon every one of the funds last mentioned,

Application of
the general
fund.

cording

Treasury once in 28 days to cause an account to be taken of all monies brought into the Exchequer, &c.

Monies to be paid out to the bank and others intitled to the same, and not divertible.

Bank to receive 8l. per cent. out of general fund, for tallies subscribed, &c.

The new duties by this act to be applied in aid thereof.

cording and in proportion to the sum of the deficiency thereof, before in and by this act computed and expressed; and that the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer or under treasurer of the *Exchequer*, or any three or more of the commissioners of the treasury for the time being, shall, on or before the six and twentieth day of *July*, one thousand six hundred ninety eight, and from thenceforth, once in every eight and twenty days, or oftener, cause an exact account to be made or taken of all the monies that shall be brought into the *Exchequer*, applicable to pay principal and interest on the said deficient funds as aforesaid, and shall thereupon immediately, from time to time, by their warrants and orders, cause such money to be distributed, applied and placed to the account of each tax, revenue or fund so deficient as aforesaid, in the just proportions before mentioned, and according to the true intent and meaning of this act.

XLIII. And it is hereby enacted, That all the money, which shall be so distributed or placed to the account of each and every of the said deficient taxes, duties and funds, before enumerated and expressed, for or towards the payment of principal and interest thereupon, shall be issued, paid out and disposed, so far as the same will from time to time extend, as well to the said governor and company of the bank of *England* and their successors, as to all and every other person and persons, bodies politick and corporate, who are or shall be intitled to receive the said principal and interest, in such and the like course, order, manner and form, as if the same were monies really arising by the said respective taxes, duties or funds, hereby computed and expressed to be deficient as aforesaid, and that without being diverted or divertible to any other use, or misapplied, and without giving any undue preference, under the penalty of incurring the same forfeitures and disabilities by the officers and other persons concerned therein, as they would have incurred for diverting or misapplying any the money of such tax, duty or fund, in case the same were not deficient; and that out of the said monies so from time to time arising, and being brought into the *Exchequer*, of or for the said general fund, hereby provided and established for making good the said deficient funds, the said governor and company of the bank of *England* shall from time to time receive so much as will make up and compleat for them an interest, after the rate of eight pounds *per centum per annum*, as well for all and every the tallies and orders which shall be subscribed and brought into the bank as aforesaid, and be charged upon any of the funds pursuant to this act, as for any other their tallies and orders, whereupon the interest (in regard of the subscription of one fifth in bank bills or notes) is to be augmented to the rate of eight pounds *per centum per annum*, by virtue and in pursuance of this act.

XLIV. Provided also, and it is hereby declared and enacted, That in all cases where any duty, revenue, imposition or branch whatsoever, is by any act or acts of parliament before this time made

made and passed, appropriated to or for the repayment of principal in course, or the satisfaction of interest at any rate or rates whatsoever, of or for any loans which have been made upon the credit of such former act or acts, the respective duties, revenues, impositions or branches, arising by virtue of such former acts, shall be applied, and such principal and interest, out of the monies arising thereby, shall be satisfied to those which are or shall be intitled thereunto (whether it be the bank of *England*, or any others) in the same course, manner and form, as by the said former acts are prescribed and required; and that the new duties or funds, by this act provided and established, shall go and be applied in aid thereof, in such manner and form, and under such limitations and directions, as are hereby prescribed, until the said principal and interest shall be all entirely paid off and discharged; any thing in this act contained to the contrary notwithstanding.

XLV. And to the intent that all persons, concerned with the governor and company of the bank of *England*, may be secured in their respective debts and effects, in case any forfeiture should be committed, or any judgment of forfeiture or seizure of the said corporation should be given for, or by reason of, or under any pretence of any forfeiture whatsoever; be it enacted, That immediately upon such judgment given, all and every the funds, yearly payments, and monies payable out of the *Exchequer* to the governor and company of the bank of *England*, or which should have become due and payable to them, in case no such judgment had been given, and also all and every the estate, goods, debts and chattels due, belonging or owing to the said governor and company at the time of such judgment, shall be and are hereby (in such case) actually vested and settled in four and twenty such persons as shall be for that purpose elected and chosen by the governor and company of the bank of *England*, in a general court assembled before such judgment given, during the space of three years, which said persons so elected, and the survivors of them, during the said three years, shall be trustees for the purposes aforesaid, and shall and may receive, sue for, and recover the money, debts and estate of the said corporation, or which would have belonged to the said governor and company, in case no such judgment had been given, and with the monies and estate so received and recovered, shall pay and discharge all the debts due and owing by the said corporation at the time of such judgment given, and perform and fulfil such covenants and contracts as the said corporation at the time of such judgment given had entred into, and were bound and obliged to perform; and after the said three years, or after the debts and estate so got in, paid and applied, then that the surplus, if any there shall be, shall be paid and divided amongst such persons as were members of the said corporation at the time of such judgment given, according to their several shares and proportions; and also that the yearly sums afterwards payable at the receipt of *Exchequer* to the said corporation, shall be vested in, and payable

If judgment be given against the bank, yearly payments, &c. belonging to them to be vested in 24 trustees elected for 3 years.

who may receive and sue for the debts of the corporation, and discharge such judgment.

Surplus to be divided amongst the members. Yearly payments payable quarterly, and to be trans-

ferrable with-
out fee.

Monies due to
the said funds
to be paid to
the trustees.

and not mis-
applied.

Company may
transcribe
dockets of ex-
tents, &c. pay-
ing the usual
fees.

No member to
be adjudged a
bankrupt.
Stock not li-
able to foreign
attachment.

Money due on
tallies sub-
scribed into
the capital
stock of the
bank, to be
divided so
soon as re-
ceived, or
within 4
months after.
Altered by
9 W. 3. c. 3. f. 4.

quarterly to such person and persons, their executors, admini-
strators and assigns, as were members of the said corporation at
the time of such judgment respectively, according to their sever-
al shares and proportions in the said stock and company, to be
ascertained and specified in a list to be returned or given in by
the said trustees, or the survivors of them, under their hands
and seals, into the office of the auditor of the receipt, and which
said several yearly payments so specified, shall be from time to
time transferrable and assignable by an entry in a book to be kept
in the office of the auditor of the receipt for that purpose, with-
out any fee or reward whatsoever; and that all the monies due
upon the said funds, or payable in the said receipt as aforesaid,
shall be from time to time paid and applied to the said trustees,
to be elected as aforesaid, during the said three years, and after-
wards to the said several and respective persons, their executors,
administrators and assigns, and not any ways diverted or misap-
plied, under the like penalties, forfeitures and disabilities, as are
given or imposed by any act or acts of parliament now in force
against any person or persons for diverting or misapplying any
monies payable to any person by the said acts of parliament, or
any of them.

XLVI. Provided, That for the encouragement of the said
corporation to lend monies upon lands or tenements, and for
discovery of incumbrances thereon; be it enacted, That it shall
and may be lawful for the said governor and company, or any
officer or clerk to be employed by them, from time to time, to
copy and transcribe the dockets and notes of any extents, judg-
ments, statutes or recognizances, kept in any of the offices of
the several courts of record at *Westminster*, paying to the masters
or clerks of the several offices the usual rates and fees for search
only of such extents, judgments, statutes or recognizances.

XLVII. And be it enacted, That no member of the said cor-
poration shall be, or be adjudged liable to be a bankrupt, with-
in the intent and meaning of all or any the statutes made against
or concerning bankrupts, for or by reason of their stock or inter-
est in the said corporation, and that no stock in the said corpo-
ration shall be subject or liable to any foreign attachment by the
custom of *London*, or otherwise.

XLVIII. And be it further enacted by the authority aforesaid,
That the monies which from time to time shall become due and
payable by virtue of any tally or order, subscribed as aforesaid into
the capital stock of the said governor and company by virtue of
this act, as soon as conveniently may be, after the same shall be
received out of the *Exchequer*, or any publick office, by the said
governor and company, their officers, servants and agents, and
at farthest once in every four months, shall be divided by the
said governor and company amongst the members of the whole
corporation, rateably and in proportion to their several and re-
spective parts, shares, and interests in the said capital stock, for
the particular, proper, and only use and behoof of the said
members separately, and in their private and personal capacities ;
any

any thing in this act, or in the aforesaid act for granting the said rates and duties upon tunnage of ships, and for erecting of the said bank, or in the charter of incorporation granted to the said governor and company, bearing date at *Westminster* the seven and twentieth day of *July*, one thousand six hundred ninety four, or any rule, order, usage, custom, act, statute or law whatsoever, to the contrary thereof in any wise notwithstanding.

XLIX. Provided always, and be it enacted, That the said governor and company, and their successors, shall always take care that the sum total of all their debts which they shall owe at any one time to any other person or persons, bodies politick or corporate, do not exceed the value of the capital stock, which at any such time shall be and remain to the said governor and company undivided; and that in case the said governor and company, or their successors, by virtue or colour of the power hereby given to them of dividing the monies coming in by their tallies and orders, as aforesaid, or by any other dividend whatsoever to be made amongst themselves, or in their private or personal capacities, shall reduce or lessen their joint stock, or capital, without limiting, paying off, or proportionably reducing the total sum of the said debts, which they shall owe to others, as aforesaid, so that the value of their joint stock, or capital undivided, shall not be sufficient to answer their just debts then remaining unpaid; in every such case the particular members, and every of them respectively, who in their private or personal capacities shall receive any share of such dividend, shall be severally liable, and they are hereby made liable, so far as the respective shares so by them respectively received upon such dividend will extend, to pay and satisfy the debts, which shall remain due and unpaid by the said governor and company, to any other persons, or bodies politick or corporate, as aforesaid, who by virtue of this act shall and may sue for and recover the same (besides treble costs of suit) by action of debt, or of the case, as is before mentioned; any thing in this act, or in any former act, charter, or otherwise howsoever, to the contrary notwithstanding.

Debts of the bank not to exceed the value of the capital stock.

If governor and company lessen their stock by dividends, so as the value thereof be not sufficient to answer their debts, members liable to satisfy the debts unpaid.

L. And to obviate all doubts for the future concerning the securities by this act intended for the payment of the principal and interest monies to be paid as aforesaid; be it further enacted by the authority aforesaid, That in case at the end of one year, to be reckoned from the utmost day or time by this act limited for taking of the said subscriptions for augmenting the said capital stock of the bank of *England*, it shall appear that the funds or duties by this act appropriated to and for the payment of interest monies (as well to the said governor and company of the bank of *England*, as to any other persons or corporations) shall not be sufficient to satisfy and discharge all the interest monies, which before the end of the said one year shall be incurred, grown due, or ought to be paid, of, for, or upon the respective tallies and orders before mentioned, and every of them, that then the deficiency thereof (to wit) so much as will suffice to the deficiency make to be supplied

If at the end of one year the duties hereby appropriated be not sufficient to pay off the interest due for that year,

out of the
next aids.

In case upon
1 Aug. 1706.
the funds
hereby grant-
ed be not suf-
ficient to pay
off, the prin-
cipal and inte-
rest due on the
foresaid tallies
and orders,

the deficiency
to be supplied
out of such
aids, to be
granted after
the said 1 Aug.
1706.

Present gover-
nor and di-
rectors to con-
tinue in office
till 24 June,
1697.
Afterwards a
general court
to be held for
electing a new
governor, and
24 directors.

In elections of
directors not
above two
thirds of the
old to be
chosen.

make up and compleat the interest monies which shall be grown due before the end of the said one year, as aforesaid, shall be supplied and paid out of such aids or revenues as shall be granted to his Majesty, his heirs or successors, in the session of parliament then next ensuing, and so in like manner in case of deficiency of interest in any succeeding year; and in case upon the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six, or within three months then next ensuing, it shall appear, that the whole produce of the several aids, revenues, and funds, by this act granted or appropriated, together with the monies which shall have arisen by the grants now in being, and before this time made, for the payment of the principal monies of the said tallies and orders, and the interest thereof, shall not be sufficient to discharge and pay off, as well all the principal monies upon all the said tallies and orders, for the payment whereof provision is intended to be made by this act, and all the interest monies that are or shall be due or payable for the same, that then the deficiency thereof, to wit, so much as will be needful compleatly to make up, satisfy, and discharge all the said principal and interest monies which shall appear, on the said first day of *August*, one thousand seven hundred and six, or within three months then next ensuing, to remain due and unpaid, shall be supplied and paid out of such aids or revenue as shall be granted to his Majesty, his heirs and successors, in the session of parliament which shall be next after the said first day of *August*, one thousand seven hundred and six.

LI. Provided also, and be it enacted by the authority aforesaid, That the persons who are at present governor, deputy governor, and directors, of the bank of *England*, shall continue in their respective offices until the said four and twentieth day of *June*, one thousand six hundred ninety seven, and until others shall be duly chosen and sworn in their places; and that between the said four and twentieth day of *June* and the four and twentieth day of *July* next ensuing, a general court of the persons then interested in the said corporation shall be summoned and held, and then and there, by the majority of the said members present, a new governor, deputy governor, and four and twenty directors (of which number there shall not be above two thirds of such persons who were directors the preceding year) shall be chosen, who shall continue in their respective offices until the five and twentieth day of *March*, one thousand six hundred ninety eight, and until others shall be duly chosen and sworn in their places, according to the times prescribed by their present charter, and under such regulations as are directed by this act.

LII. And be it further enacted, That in all future elections of directors there shall not be chosen above two thirds of those who were directors the preceding year; any thing in the said charter, or any law, statute, or ordinance, to the contrary notwithstanding.

LIII. And to the end there may be no defect in the payment of

of the interest by this act intended and directed to be paid out of the monies hereby granted or appropriated, and that the general fund by this act provided, for the purposes in this act mentioned, may be enlarged for the full satisfaction of all persons that are or may be concerned therein, we your Majesty's said dutiful and loyal subjects, the commons in parliament assembled, do further give and grant unto your Majesty, the several additional rates or duties upon salt, herein after mentioned, for and during the term herein after expressed; and do beseech your Majesty, that it may be enacted, and be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand six hundred ninety seven, there shall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raised, levied, collected, and paid unto his Majesty, his heirs and successors, until the five and twentieth day of *December*, which shall be in the year of our Lord one thousand six hundred ninety nine, and no longer, for salt, the rates and duties following, over and above all other duties already payable for the same; that is to say, For every gallon of salt that shall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, within the time aforesaid, the sum of two pence, of lawful money of *England*, to be paid by the importer thereof, and after that rate for a greater or lesser quantity; and for every gallon of salt and rock salt made at the salt works, or taken out of any salt pits within the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, within the days or times aforesaid, the sum of one penny, and after that rate for a greater or lesser quantity.

EXP.

LIV. And for the better ascertaining, charging; levying, collecting, and answering all and every the duties hereby set or imposed, as well upon foreign and imported salt, as upon salt and rock salt made at the salt works, or taken out of any salt pits within the said kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, during the term hereby granted; be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, ways, methods, penalties, forfeitures, clauses, matters, and things, which in and by one act made in the parliament holden at *Westminster*, in the fifth and six years of the reign of his Majesty and the late Queen of blessed memory, intituled, *An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France*, and in and by one other act made in the parliament holden at *Westminster*, in the seventh and eighth years of his Majesty's reign, intituled, *An act for continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes, and other earthen wares, for carrying on the war against France, and for establishing a*

Additional duties on salt for one year.

For salt imported ad. per gallon.

Salt and rock salt made at the salt works ad. per gallon.

To be levied in the same manner, as by the acts of 5 & 6 W. & M. c. 7. and 7 & 8 W. 3. c. 32.

national land bank, and for taking off the duties upon tunnage of ships and upon coals, are provided, settled or established, for or concerning the raising, levying, ascertaining, securing, collecting, or recovering, the several duties upon salt and rock salt thereby granted or continued, and for determining and ascertaining the measure of *English* salt by weight, shall be exercised, practised, applied, levied, recovered, and put in execution, for the raising, levying, charging, ascertaining, securing, collecting, recovering, and paying the said several duties upon salt and rock salt by this act granted, during the continuance of the duties thereupon by this act, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, and directions, methods, penalties, forfeitures, clauses, matters, and things, were particularly repeated, and again enacted in the body of this act; nevertheless with such allowances for fish and salt to be exported, as are herein mentioned (that is to say) for all such fish hereafter mentioned as shall be exported during the continuance of the duties hereby granted upon salt, from any port or place in the said kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, into parts beyond the seas, by any person or persons whatsoever, the rates and sums of money hereafter expressed (that is to say) for every cask or vessel of pilchards or scads, containing fifty gallons, eight shillings, and so proportionably for a greater or lesser quantity; for every barrel of white herrings, one shilling and eight pence; for every barrel of red herrings, one shilling and four pence; for every barrel of salmon, three shillings and four pence; for every hundred of cod fish, ling, or hake, ten shillings; and so proportionably for a greater or smaller number or quantity, shall (over and above the allowances for the said fish, by the said former acts for the duties upon salt, or either of them) be paid by debentures, in such manner and form, and under the same rules and penalties, as are prescribed in the said former acts concerning the said duties upon salt, or either of them, for or concerning the allowances upon the exportation of the like kinds of fish.

Allowances
for fish and
salt exported.

On exporta-
tion of salt,
security for
the duties to
be discharged.

LV. And be it further enacted, That if any person or persons, at any time or times, during the continuance of the additional duties hereby granted upon salt, shall export beyond the seas any salt, as well foreign as *English*, or any rock salt, the security for the duty by this act payable for such exported salt shall be discharged upon such certificate, and oath made, and according to such rules, as are prescribed for drawing back the duties upon exported salt by the said former acts, or either of them.

Application
of the monies.

LVI. And be it further enacted by the authority aforesaid, That all the duties by this act granted upon salt, which shall from time to time be levied and raised, shall be appropriated and applied, together with the other duties by this act provided for that purpose, to and for the payment and satisfaction of the interest monies due, or to grow due at any time before the said five and twentieth day of *December*, one thousand six hundred

ninety

ninety nine, to the bank of England; or any other person or persons, bodies politick or corporate, upon the tallies or orders charged upon the deficient funds before mentioned; and in case there be any overplus of these duties more than shall be sufficient to discharge such interest, then the said overplus shall be applied to the payment of the principal upon the said deficient funds, in the like proportions as are above mentioned, according to the true meaning of this act, under the like penalties to be incurred for diverting or misapplying any the monies arising by the said duties upon salt hereby granted, as are to be incurred for diverting or misapplying any the monies of the said general fund hereby appropriated for satisfaction of the said principal and interest.

LVII. *And whereas for monies lent or advanced, or to be lent or advanced, at the receipt of his Majesty's Exchequer, by several persons, as well natives as foreigners, bodies politick or corporate, they or some other claiming by, from, or under them respectively, have, or hereafter may have, or are or may be intitled to tallies of loan, levied at the said receipt, and have or may have orders signed by the commissioners of the treasury, or some of them, for the time being, or by the lord treasurer for the time being, for repayment of the money so lent (with interest at certain rates, or without interest) out of divers taxes, aids, impositions, revenues, or other branches chargeable therewith, and also have, or may have, in their hands, or possession, divers tallies of pro, or assignment, levied or charged, or to be levied or charged, upon certain of his Majesty's revenues, duties, or impositions: and whereas it is found by experience, that many avaricious or ill disposed persons, taking an advantage of the necessities of those who have occasion to sell or dispose of such tallies and orders, as aforesaid, do, in the buying or purchasing of such orders or tallies, extort and gain to themselves an exorbitant and unreasonable allowance, premium, or consideration out of the principal monies, besides the interest accruing for the same, to the unspeakable damage and prejudice of his Majesty, and many of his good subjects, in trade and otherwise, and in a great measure to the ruin of the publick credit, which cannot be repaired as long as such practices are continued or suffered: for prevention whereof be it further enacted by the authority aforesaid, That no person or persons whatsoever, natives or foreigners, bodies politick or corporate, from and after the tenth day of June, one thousand six hundred ninety seven, at any time or times, during the term of five years from thence next ensuing, or before the end of the then next session of parliament, shall, upon any contract, agreement, or bargain, whatsoever, for or concerning any of the said tallies or orders, or for or concerning the monies or any part thereof due or payable, or to be due or payable by or upon any of the said tallies or orders, take, accept, or receive, or agree to take, accept or receive, or shall give or allow, or promise or agree to give or allow, directly or indirectly, by way of premium, reward, discount, gratuity, gift, or otherwise, or by means of any exchange, wager, shift, chevi-fance, covin, device, or way whatsoever, more than the lawful interest allowed upon such talley or order, and due or payable at the time of such assignment, together with a further*

No talley to be taken at more than the interest allowed thereupon,

on pain of forfeiting treble the value of the principal money.

allowance not exceeding the rate of six pounds *per centum* for every hundred pounds principal money, and so proportionably for a greater or lesser sum, upon pain of forfeiting and losing for every such offence treble the value of the principal monies contained or specified in such talley or order, for which such bargain, agreement, or contract shall be made; that is to say, one third part thereof to the King, his heirs and successors, and the other two thirds thereof to such person or persons as will inform and sue for the same, to be recovered by action of debt, or of the case, bill, suit, or information, wherein no essoin, protection, wager of law, or more than one imparlance, shall be granted or allowed; and that every person, who shall be guilty of such offence in the buying of any such order or talley, and be thereof convicted, shall be deemed and is hereby adjudged to be a common extortioner, and shall suffer such further pains and penalties, as by the laws and statutes of this realm may be inflicted for common extortion. *EXP.*

No assignment of order or talley to be good, unless made in writing, and signed by the party,

LVIII. And for the more effectual obviating and preventing the aforesaid evil practice, and the mischievous consequences thereof; be it further enacted by the authority aforesaid, That no assignment or transference, which from and after the said tenth day of *June*, one thousand six hundred ninety seven, shall be made of any of the said orders or tallies, or of any of the monies contained or specified therein, upon the selling, buying, or bargaining of the same, shall be good and available either in law or equity, or be in any wise effectual for the assigning or transferring the right or property of any such order or talley, or any the monies thereby due or payable, unless such assignment or transference be made in writing, and be signed by the party or parties making the same, or be under the common seal of a corporation or body politick, or be signed by some person or persons, by the authority or direction of such party or parties, corporation or body politick, and be within ten days after the signing thereof entred or registred, and that oath be thereupon made in the manner and form following; that is to say, in case such assignment or transference be of money payable by any order at the receipt of the *Exchequer*, then the said assignment shall be registred by an entry or notification thereof in the books kept or to be kept by the auditor of the receipt of his Majesty's *Exchequer*, or the clerk of the pells there for that purpose, and the person or persons to whom such assignment of or upon any such order shall be made, or the treasurer for any corporation or body politick, who are to have the benefit of such assignment, or some other credible person or persons employed to make the bargain or contract, for which such assignment shall be made, and being privy thereunto, shall within the said ten days make affidavit before the said auditor or the clerk of the pells in the said receipt of *Exchequer* (who have hereby power to administer the same) that no allowance, *præmium*, gratuity, or consideration whatsoever, exceeding the lawful interest, and the said allowance not exceeding the rate of six pounds *per centum*, as aforesaid, directly or indirectly, or by any way, device, shift, exchange, wager, chevi-

or the common seal of a corporation, &c. and entred in 10 days after signing, and oath made thereon.

Repealed by 11 & 12 W. 3. c. 3. f. 14.

sance,

lance, or otherwise howsoever, was taken, accepted, gained, gotten, or agreed to be taken, accepted, gained or gotten, for or in respect of such assignment; and in case such assignment or transference be of money payable by any talley of *pro* or assignment at the excise office, or at the general post office, or in any other publick office, then such assignment or transference shall be registred by an entry or notification thereof in the books to be kept for that purpose by the commissioners of excise, the post master or post masters general, or other chief officers in any of the said publick offices for the time being respectively; and the person or persons to whom such assignment of or upon any such talley of *pro* or assignment shall be made, or the treasurer for any corporation or body politick, or some other credible person or persons employed to make the bargain or contract, for which such assignment shall be made, and being privy thereunto as aforesaid, shall within the said ten days make the like affidavit, as aforesaid, before one or more of the said commissioners of excise, and post masters general, or other chief officers in such publick office, for the time being, or such persons as shall be deputed by them respectively for this purpose, who have hereby power to administer the same. *Rep.*

Talley of *pro* payable at the excise, or general post office, &c.

LIX. And be it further enacted by the authority aforesaid, That the said auditor of the receipt, and the clerk of the pells, or one of them, and some one or more of the said commissioners of excise, post masters general, or other chief officers in the said publick offices respectively, or their respective deputies, shall, from and after the said tenth day of *June*, one thousand six hundred ninety seven, attend daily and every day, from the hour of nine to the hour of twelve in the forenoon (*Sundays* and such holidays as are usually observed only excepted) for registering or causing to be registred the said assignments, and for administering the said oaths, and shall duly register and administer the same, and shall, upon the registering of every such assignment, and administering the said affidavit relating thereunto, make a memorandum, as well in their respective books, as upon the respective writings of assignment as aforesaid, importing that such affidavit was duly administered according to this act, all which they shall do and perform, or cause to be done or performed, without fee or charge, under the pain of forfeiting treble damages, besides costs of suit, to the party grieved, and to be recovered by action of debt or of the case, as aforesaid.

Officers in the Exchequer, excise and post office, to attend daily for registering assignments, and administering the oaths.

LX. And be it enacted by the authority aforesaid, That all and every person and persons, who shall be employed as a broker or brokers, solicitor or solicitors, or otherwise, in the behalf of any other person or persons, to make or drive any bargain or contract for the buying or selling of any of the said orders or tallies, who shall, after the said tenth day of *June*, one thousand six hundred ninety seven, take or receive, directly or indirectly, any sum or sums of money, or other reward or thing, for broakidge, soliciting, driving, procuring or making such contract or bargain, over and above the sum of two shillings and six pence for the broakidge, soliciting, driving, procuring or making

Penalty on brokers, &c. taking above 2 s. 6 d. per cent. for brokage, &c.

such contract or bargain for one hundred pounds, and so rateably for a greater or lesser sum, shall forfeit for every such offence twenty pounds, to such person or persons as will sue for the same, by action of debt, or of the case as aforesaid; and if any broker, solicitor, or driver of any bargain or contract, for any such tallies or orders, as aforesaid, shall, after the said tenth day of June, one thousand six hundred ninety seven, drive or make any such bargain or contract for any talley or order, or any money due thereupon, in which contract or bargain there shall be any *præmium* or allowance made, or agreed to be made contrary to this act, then he or they so offending, shall, for every such offence forfeit the sum of five hundred pounds, to wit, one third part thereof to the King, and the other two thirds thereof to such person or persons who will sue for the same, to be recovered, as aforesaid; and that every such broker, solicitor, or driver of such bargain, who shall be guilty of such offence, and be thereof convicted, shall be deemed, and is hereby adjudged to be a common extortioner, and shall suffer such further pains and penalties as by the laws and statutes of this realm may be inflicted for common extortion.

LXI. And whereas divers persons have, or before the said tenth day of June, one thousand six hundred ninety seven, may have purchased and bought several orders of loan, or parts thereof, or such tallies, as aforesaid, neglecting to have their assignments thereof to be duly registered, as the law directs, and many of them, instead of taking formal assignments, which might be registered, have accepted from the person or persons, who should make the same, the indorsing of his or their names only upon such orders; be it further enacted and provided by the authority aforesaid, That whosoever any such orders of loan, or parts thereof, or such tallies have been actually and *bona fide* purchased and bought before the said tenth day of June, one thousand six hundred ninety seven, and oath thereof shall be made at any time or times within three months from thence next ensuing, before any of the officers or persons hereby authorized to administer the other oaths concerning the *præmium* or allowance, as aforesaid, in all such cases, the person or persons claiming such orders, or parts of orders, or tallies, by such assignments not registered, or by such indorsements, shall not in respect thereof be obliged by virtue of this act to take the said other oath concerning the *præmium*, reward, or allowance; any thing herein contained to the contrary notwithstanding.

Orders purchased before 10 June, 1697, the claimers not obliged to take the oath concerning the *præmium*.

Affidavit to be in writing, and filed.

LXII. And be it further enacted, That the affidavit herein before directed shall be in writing, and remain filed with the respective officers, before whom the same shall be made.

28 & 29 W. 3. c. 6.

LXIII. And whereas by an act of this present session of parliament, intituled, An act for granting an aid to his Majesty, as well by a land tax, as by several subsidies and other duties payable for one year; it is amongst other things enacted, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three of them now being, or the high treasurer, or any three or more of the commissioners of his Majesty's treasury for the time being, to

cause

cause bills to be made forth at the receipt of Exchequer, in such manner and form as they shall appoint, for any sum or sums of money not exceeding one million five hundred thousand pounds, by virtue of that act, and to issue the same to the uses of the war, in such proportions as they shall think fit; and that the said bills shall be current to the receivers or collectors of any aids, taxes, or supplies, thereby granted, or that should be granted for the service of the war for the year one thousand six hundred ninety seven (except for the aid of three shillings in the pound) and such other directions are thereby given, concerning the making, issuing, receiving back, and cancelling, the said bills, as in and by the said act, relation being thereunto had, more at large appears: now to the end the said bills so authorized to be issued may be of more general use, as well for the occasions of the war, as for the publick commerce and trade; be it further enacted by the authority aforesaid, That the said bills, so authorized to be issued, shall be received and taken, not only by receivers or collectors of the taxes or supplies granted or to be granted for the war for the year one thousand six hundred ninety seven, but shall also pass and be current to all and every the commissioners, receivers, or collectors of any revenue, aid, tax, or supply whatsoever, already granted, or that shall or may be granted, during this present session of parliament, either for the war, or any other use, and also at the receipt of the *Exchequer* from the said commissioners, receivers, or collectors, or from any other person or persons whatsoever making any payments there to his Majesty upon any account whatsoever.

Exchequer bills to be taken for taxes, &c. granted this parliament, and in all payments at the Exchequer due to the King.

LXIV. And to the end that all persons may be the more willing and ready to accept and receive the said bills in all manner of payments; be it enacted by the authority aforesaid, That there shall be annexed unto, attend, and go along with, the said bills, an interest after the rate of five pence a day for every one hundred pounds contained therein, and so proportionably for a greater or lesser sum; which said interest shall be paid or allowed to the person who is last possessor thereof, to the day he pays the same into the *Exchequer*, or to any receivers or collectors for any aids, taxes, revenues, or supplies whatsoever.

Bills to bear 5d. a day per cent. Interest till payment.

LXV. And that no interest may be allowed on the said former bills for any longer time than the same shall be unanswered to his Majesty; it is hereby enacted, That the person who pays the same into the *Exchequer*, or to any receivers or collectors, for any aids, taxes, or revenues, shall at the time of making such payment put his name to the said bill, and write the day of the month, to which day the collector or other person who receives the same to his Majesty's use shall be allowed again the interest that he shall have allowed thereupon; and when any of the said bills, which in pursuance of this act shall be received at the *Exchequer*, custom house, excise office, or general letter office, or by any of his Majesty's receivers or collectors, or for any revenues, taxes, or supplies, shall be applicable to the satisfaction of tallies and orders of loan, or to any other uses or payments whatsoever, and by reason thereof are not to be

Bills paid into the Exchequer, to be signed, &c.

immediately cancelled at the said *Exchequer*, or in any other publick office, then the respective tellers in the receipt of the *Exchequer*, and the receivers general or cashiers of the customs, excise, and post office, or any other receivers, upon their issuing or paying out the said bills, shall sign the same, and add the day of the month, and so *toties quoties* until the said bills shall or may come or be paid into the *Exchequer* on account of the proper funds or supplies (upon which they are or shall be first issued out) to be cancelled.

Commissioners of the treasury may contract for lending money to exchange *Exchequer* bills not accepted in payment. Persons so lending monies, to have the said bills for security, and interest at 10l. per cent. per ann.

LXVI. And to the intent that such person or persons, who have or may have, or be intitled to, any tallies or orders, on any branch of the revenues, or on any aid, tax, or supply, that is or shall be appropriated for repayment and satisfaction thereof, and shall refuse or be unwilling to accept the said bills in payment, may not be obliged to receive the same; be it further enacted, That for the ease, accommodation, and satisfaction, of all and every person and persons so refusing, or being unwilling to receive the said bills in repayment of such tallies and orders, it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three of them now being, or the high treasurer, or any three or more of the commissioners of his Majesty's treasury for the time being, to covenant and agree, in such manner as they shall think fit, with any persons natives or foreigners, bodies politick or corporate (with whose abilities they shall be well satisfied) for the immediate advancing or lending of money from time to time, as there shall be occasion, for exchanging such bills as shall be so refused, or not accepted or taken in repayment of tallies and orders, as aforesaid: and that such person and persons, as shall so contract and agree with the said commissioners of the treasury, or high treasurer, to advance and furnish money for the exchanging and circulating the said bills, in such manner as the said commissioners of the treasury or high treasurer shall appoint, shall immediately, upon their paying or advancing any monies pursuant to their contracts or agreements, have for their security and satisfaction the said bills, or such security as shall be agreed upon between the said commissioners of the treasury and the said contractors, and shall also have and receive as a further encouragement an interest or reward not exceeding the rate of ten pounds *per centum per annum*, for the sums so by them respectively contracted or agreed to be furnished or advanced, from the day they become severally obliged, for and during so long time as their said obligations shall be in force.

Contractors names, &c. to be registred in the auditor's office, and interest to be paid quarterly.

LXVII. And for the better ascertaining such interest to the said lenders or contractors; be it further enacted by the authority aforesaid, That the names of such lenders or contractors, and the dates of their respective contracts, and sums contracted for, shall be registred in the office of the auditor of the receipt of the *Exchequer*, and that the said interest shall be paid out of the supplies granted for carrying on the war against *France*, for the service of the year one thousand six hundred ninety and seven, quarterly,

quarterly, for so long time as their said contractors shall stand obliged as aforesaid.

LXVIII. Provided always, and be it enacted by the authority aforesaid, That until such time as his Majesty, by his royal proclamation to be issued by the advice of his privy council, shall be pleased to publish and make known, that the said commissioners of his Majesty's treasury, or three or more of them, or the high treasurer for the time being, shall (by such covenants or agreements made with persons of ability, as aforesaid) have sufficiently secured and made provision, that all persons, who at the said receipt of *Exchequer*, or at any the said publick offices, shall have any of the said bills for satisfaction of their tallies or orders of loan, or for any other payments whatsoever, may have such bills exchanged for ready money; the said bills, so to be made forth for the said fifteen hundred thousand pounds, or any part thereof, shall be current only for the aids, taxes, or supplies, granted or to be granted for the service of the war, for the year one thousand six hundred ninety seven, exclusive of the said aid of three shillings in the pound, according to the tenor and true meaning of the said former act in that behalf; and that after the said proclamation shall be issued, and not sooner, the said bills so authorized to be issued, as aforesaid, shall pass and be current for all revenues, aids, taxes, supplies or other payments to his Majesty, according to the true meaning of this present act; any thing herein contained to the contrary notwithstanding.

The King by proclamation to make known when Exchequer bills may be exchanged for ready money.

LXIX. And whereas by an act of parliament made in the seventh and eighth years of the reign of his present Majesty, intituled, An act for preventing frauds, and regulating abuses, in the plantation trade, it is amongst other things therein enacted, That all the present governors and commanders in chief of any English colonies or plantations, shall, before the five and twentieth day of March, one thousand six hundred ninety seven, and all who shall be made governors or commanders in chief of the said colonies or plantations, or any of them, before the entering into their governments, shall take a solemn oath to do their utmost that the clauses, matters, and things, contained in one act of parliament made in the twelfth year of the reign of the late King Charles the Second, intituled, An act for encouraging and increasing of shipping and navigation, and one other act made in the fifteenth year of his said late Majesty's reign, intituled, An act for encouragement of trade, and also the said act made in the seventh and eighth years of the reign of his present Majesty, intituled, An act for preventing frauds, and regulating abuses, in the plantation trade, be punctually and bona fide observed, according to the true intent and meaning thereof, so far as appertains unto the said governors or commanders in chief respectively: and whereas the persons appointed to administer the said oaths are by some accidents prevented from performing the same within the time limited by the said act; to the end therefore that the good intent of the said act may not be disappointed for want of time to put the same in execution, be it therefore enacted, That further time shall be allowed for administering the said oath, and that all present governors

7 & 8 W. 3.

c. 22.

12 Car. 2. c. 18.

15 Car. 2. c. 7.

7 & 8 W. 3.

c. 22.

Further time
allowed for
administering
and taking
the oaths.

vernors and commanders in chief of any *English* colonies or plantations, shall, before the five and twentieth day of *March*, one thousand six hundred ninety eight, and who shall hereafter be made governors or commanders in chief of the said colonies or plantations, or any of them, shall, at their entrance upon their respective governments, or within the space of six months after the same, take a solemn oath to do their utmost, that all the clauses, matters, and things, contained in the before recited acts of parliament, or any of them, heretofore passed and now in force, relating to the said colonies and plantations be punctually and *bona fide* observed, according to the true intent and meaning thereof (which oath shall be taken before such person or persons as shall be appointed by his Majesty, his heirs and successors, who are hereby authorized to administer the same) so far as appertains to the governors or commanders in chief respectively.

Clause for dis-
charge of
Ralph Wil-
liamson.

LXX. *And whereas the sum of three thousand two hundred and eighty pounds, eight shillings, and nine pence, was actually and bona fide received by Ralph Williamson, receiver general of the fourth aid of four shillings in the pound, in the counties of York, Durham, and Northumberland, for the said aid within the counties aforesaid, which sum consisting of hammered monies, is deposited in the receipt of his Majesty's Exchequer, but the same, or the greatest part thereof, is not charged as money actually paid into the said receipt; be it further enacted by the authority aforesaid, That the tellers in the said receipt of Exchequer, or some of them, shall forthwith receive the said money amounting to three thousand two hundred and eighty pounds, eight shillings and nine pence, upon the said receiver's account of the said aid, and shall throw down a bill or bills for the same, according to the course of the Exchequer, to the end the said receiver may have a talley or tallies for his discharge, and the said collectors and other his Majesty's subjects in the said counties may have no further trouble concerning the same.*

7 & 8 W. 3.
c. 31.
EXP.
9 & 10 W. 3.
c. 45.
10 & 11 W. 3.
c. 18.

LXXI. *And whereas in and by one act of parliament made and passed in the seventh and eighth years of his Majesty's reign, intituled, An act for continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes, and other earthen wares, for carrying on the war against France, and for establishing a national land bank, and for taking off the duties upon tunnage of ships and upon coals, it is amongst other things provided, That if any of those wares upon drawing are broken, or otherwise made unfit for sale, there shall no duty grow due for the same by virtue of that act, but the officers shall see the same destroyed: And whereas it often happens, that where tobacco pipe makers do make and burn tobacco pipes, that at the opening or drawing of the pots, kilns, furnaces or ovens, wherein the same are burnt or nealed, the tobacco pipes, or a great part of them, are unfit for sale by reason of some default in the burning and nealing thereof, and the destroying the same by the officer is of great loss to the maker, when as such tobacco pipes may be rendred fit for*

for sale in case they were new burnt or nealed: For the remedying of which mischief be it hereby enacted and declared by the authority aforesaid, That from and after the first day of *May*, one thousand six hundred ninety seven, if any tobacco pipe makers, upon drawing their tobacco pipes out of their pots, kilns, furnaces, or ovens, shall find the same, or any part thereof, unfit for sale, that it shall and may be lawful for such tobacco pipe maker or makers (on notice given to the said officer of his intention to reburn the same) to put such tobacco pipes into any pot, kiln, furnace or oven, to be reburnt or nealed, and on the drawing of the same, shall then pay the duty by the said act charged, or otherwise be destroyed; and that the said tobacco pipe maker or makers so reburning or nealing such tobacco pipes as aforesaid, shall not be liable to any of the penalties in the said act mentioned.

Tobacco pipes found unfit for sale, may be reburnt, and then the duty to be paid.

CAP. XXI.

An act for laying a duty upon leather for the term of three years, and making other provision for answering the deficiencies as well of the late duties upon coals and culm, as for paying the annuities upon the lottery, and for lives, charged on the tunnage of ships and the duties upon salt. *The money arising by this act being deficient is supplied by 1 Annæ, stat. 1. cap. 13.* EXP.

CAP. XXII.

An act for granting to his Majesty certain duties upon malt, mums, sweets, cyder and perry, as well towards carrying on the war against France, as for the necessary occasions of his Majesty's household, and other occasions. *The money arising by this act being deficient, is supplied by 1 Annæ, stat. 1. cap. 13. Explained, 9 & 10 W. 3. c. 8.* EXP.

CAP. XXIII.

An act to enforce the act for the increase and encouragement of seamen.

WHEREAS by an act of parliament made in the last session of this present parliament, intituled, An act for the increase and encouragement of seamen, it is (amongst other things) enacted, That for the relief, benefit or advantage, of such registred mariners or seamen, watermen, fishermen, lightermen, bargemen, keelmen or seafaring men, who by age, wounds, or other accidents, shall be disabled for future service at sea, and shall not be in a condition to maintain themselves comfortably, and the children of such disabled seamen, and the widows and children of such of them as shall happen to be slain, killed or drowned in sea service, so far forth as the hospital in the said act mentioned shall be capable to receive them, and the revenue thereof will extend for or towards their relief or support, and according to the rules, orders, and constitutions to be settled and provided for the said hospital, and the government and regulation thereof, every such seaman, waterman, fisherman, lighterman, bargeman, keelman or seafaring man registred and disabled as aforesaid, shall upon certificate thereof in manner as directed by the said statute, be admitted and placed in the said hospital, and shall have provided and allowed unto him, during his life, at the charges of the said hospital, and out of the revenues thereof, according to the rules, orders, and constitutions,

constitutions, to be provided and settled for the said hospital and the government and regulation thereof, fitting and convenient lodging, meat, drink, clothes, and other necessaries and conveniences; and also the widows of such seamen, watermen, fishermen, lightermen, bargemen, keelmen and seafaring men, who shall be slain, killed or drowned in the sea service, and the children of such seamen, watermen, fishermen, lightermen, bargemen, keelmen and seafaring men, so slain, killed or drowned, and not of ability to maintain or provide comfortably for themselves, shall be received into the said hospital, and there be provided for: and soasmuch as divers persons so registred and disabled as aforesaid, and divers of the widows and children of such persons so registred, slain, or drowned in sea service as aforesaid, may at one and the same time stand in need of, and by virtue of the said act claim and demand the bounties, benefits and advantages aforesaid, in greater numbers than the said hospital and revenues thereof can support and maintain; be it therefore enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, That for the avoiding all partiality and favour whatsoever, all and every such person or persons, who by virtue of the said act, are intituled to the said provisions, allowances and advantages in the said hospital, and out of the revenues thereof, in manner as aforesaid, shall from time to time be placed in, and received into the said hospital, upon certificates to be had and produced in manner and form as by the said recited act is directed, in succession one after another, as the person registred shall be and appear in course and order of time to be upon the registry book of seamen in the said recited statute mentioned, and the widows and children of the person longest registred always to be preferred and admitted into the said hospital, and the benefits therein to be employed, as aforesaid, before the others.

Persons intituled to the advantages of Greenwich hospital to be received as registred. Persons longest registred to be first admitted.

Seamen, &c. bringing a certificate of his abode, &c. may be registred and intituled to the benefits of the act, 7 & 8 W. 3. C. 21. as also his wife, widow, &c.

Justices to enquire and examine on oath.

II. And be it further enacted by the authority aforesaid, That for the greater ease to all and every seaman or mariner, or other persons, who have liberty and shall be willing to register themselves, as in and by the said recited statute is directed, every such seaman from and after the tenth day of April next ensuing, bringing or causing to be brought a certificate, in manner as the said act directs, of the place of his abode, and also in case of removal, a new certificate under the hand of any one or more justice of the peace of the place or county where he lives, may and shall be registred in such and the like manner as the said recited act directs, and be also intituled to all and every the benefits and advantages given in and by the said act, as well for himself, as also his wife, widow and children, as if such certificate were under the hands of two justices of the peace, according to the said act, any thing in the said recited act contained to the contrary in any wise notwithstanding; the said justice or justices giving such certificate under his or their hands, are hereby directed and required to make a strict and diligent enquiry into the truth of the contents of the certificate so by them

them to be given, and to examine the party or parties so desiring such certificate, upon his or their oaths, if such justice or justices shall see occasion; and if upon examination of the parties so desiring a certificate, the said justice or justices shall find any fraud or deceit, such justice or justices are hereby required to certify the same to the commissioners for executing the office of lord high admiral of *England* for the time being, or the lord high admiral for the time being, that such fraud and deceit may be prevented according to law.

And if any fraud, to certify it to the commissioners of the admiralty.

III. And be it further enacted and declared by the authority aforesaid, That any person or persons who are already registered or shall hereafter be registered, according to the said recited or this present act, and who were at the time of their being registered or shall hereafter be raised to the degree of a master's mate in any of his Majesty's ships of war, and the wives, widows and children of such master's mate, is and are hereby declared and enabled to have and enjoy all and every the benefits, advantages and bounties given to any other person or persons so registered, or to the wives, widows and children of such person or persons in or by the said recited act; any thing therein contained to the contrary thereof in any wise notwithstanding.

Master's mates and their wives, &c. may have the benefit given to other registered men, &c.

IV. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *April*, all and every such seaman and persons who are above the age of fifty years, and who by the said act might register themselves in manner as aforesaid, in case they were not of such age, and who shall appear by the books of the navy-office to have faithfully served on board any of his Majesty's ships, for the space of seven years last past, without wilful deserting the same, shall upon producing certificates under the hands of one or more justices of the peace in manner aforesaid, be registered, as by the said act is directed, and such person so registered, and the widows and children, executors and administrators of such person shall have and enjoy the several and respective privileges in the said act mentioned.

Seamen above 50 years old having served in the King's ships 7 years may be registered and enjoy the privileges of the act.

V. Provided nevertheless, That after the tenth day of *April*, which shall be in the year of our Lord, one thousand six hundred ninety nine, no seaman or persons above the age of fifty years, shall be admitted to register him or themselves, as aforesaid, without giving such reasons for their omitting to do it during the time of such service on board any of his Majesty's ships, as shall be approved of by the commissioners for executing the office of lord high admiral of *England* for the time being, or any three of them, or the lord high admiral for the time being, or the commissioners of the navy for the time being, or any three of them, or such persons as shall be appointed by the King for keeping the said register, or any three of them.

On giving reasons for his omission to do it during the time he was in the King's service.

Disabled seamen, &c. provided for by 2 & 3 Annæ, c. 6. s. 29.

VI. And be it further enacted by the authority aforesaid, That for the better levying and collecting the duties of six pence *per mensem*, given and granted by the said recited act, for the revenues and supplies of the hospital, charities and bounties therein

Commissioners may examine masters of ships on oath as to the therein

shall mentioned, it shall and may be lawful to and for commissioners appointed for registering of seamen, or their respective deputies for the time being, for the better discovery the pay and wages due to the sailors and persons who served aboard any the merchants or private ships and vessels in the act mentioned, by warrant under their hands and seals, to call all such masters and commanders of such ships, not in his Majesty's service, to be and appear before them the said commissioners, or the respective deputies, who are hereby impowered: directed, all and every such masters and commanders upon their oaths to examine, as to the number, rates, salaries, wages, a times of service, of all and every person or persons, belonging to or serving in such ships or vessels in the said recited act, a which by the said act are obliged to pay the said sum of six pence per man per month out of their salaries and wages as aforesaid; and if such masters or commanders, or any of them shall refuse, when so summoned or commanded to appear before the said respective persons hereby impowered to examine them in manner as aforesaid, or if they shall appear, and obstinately and wilfully refuse to give a plain, full, and exact discovery of the matters aforesaid, upon their several oaths, that then and in every such case, all and every such offender or offenders shall, for every such refusal or neglect, forfeit the sum of ten pounds to the uses mentioned in the said recited act, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, with full costs of suit; provided such masters or commanders be not Quakers, or esteemed Quakers.

Quakers to make solemn affirmation instead of an oath.

7 & 8 W. 3. c. 34.

VII. And be it further enacted by the authority aforesaid, That every master or commander of any ship or vessel, mentioned in the said recited act, being a Quaker, may and shall be examined before the said commissioners appointed for registering seamen, or any three or more of them, or their deputy or deputies, and the said commissioners or their deputies may and shall, from time to time, take the solemn affirmation and declaration of such Quakers instead of their oath, and in such manner and form as by one act made in the seventh and eighth years of the reign of his Majesty is directed, intituled, *An act that the solemn affirmation and declaration of the people commonly called Quakers shall be accepted instead of an oath in the usual form: and* such Quakers refusing to appear on such summons, or to answer or make such solemn affirmation or declaration before the said commissioners, or their deputy or deputies, shall be deemed offenders, and be liable to the same penalties and forfeitures mentioned in this act for refusing to appear and be examined upon oath, or swear as aforesaid; any thing in this act before to the contrary notwithstanding.

7 & 8 W. 3. c. 21.

VIII. And whereas since the making the said recited act, divers evil disposed persons, so registered in pursuance of the said act, have fraudulently lent their register certificates to divers mariners, seamen, watermen, fishermen, lightermen, bargemen, keelmen, or seafaring men, who were not registered in pursuance of the said act, with intent

tent to keep such persons not registred from being impressed in his Majesty's sea service: For the preventing of such evil practices for the future, be it enacted by the authority aforesaid, That whatever person or persons so registred, as aforesaid, shall after the tenth day of *April* next ensuing, directly or indirectly lend to, leave with, or dispose of his or their certificate, of his or their being registred according to the said recited statute, to any mariner, seaman, waterman, fisherman, lighterman, keelman, bargeman, or seafaring man, whereby to protect or keep such persons from being impressed into his Majesty's service, it shall and may be lawful for the lord high admiral for the time being, or the commissioners for executing the office of lord high admiral for the time being, or any three or more of them, to cause such offender or offenders to be struck out of the said register, and lose the benefit of the said recited act, and to be compelled to serve in his Majesty's service for the space of six months without any pay, as in case of registred men not appearing on summons to serve in his Majesty's service, according to the said act; and that every person who shall borrow, take or receive for themselves, or other persons such certificates, or make use of the same, for the intents and purposes aforesaid, shall in all respects suffer the like pains and penalties, and to the same uses, as are provided in and by the said recited statute, against such persons as vouch falsely persons to be landmen who are afterwards proved to be seamen, or shall be compelled to serve his Majesty in sea service for the space of six months, without any pay or wages whatever.

Persons registred lending their certificates to seamen, &c. to protect them from being impress'd. Such offender to be struck out of the register, and serve the King six months without pay.

Penalty on persons making use of such certificates.

IX. And whereas in the whole jurisdiction of the cinque-ports, and their towns and members on the coasts of *Kent* and *Sussex*, there are not any justices of the peace nor divisions, as in the rest of the counties of this realm, but only mayors, bailiffs and their deputies: be it therefore enacted by the authority aforesaid, That such certificate, as aforesaid, under the hand and seal of any one mayor, deputy-mayor, bailiff or deputy-bailiff, within the said jurisdiction of the cinque-ports, obtained in manner as aforesaid, shall be sufficient, where no justice of the peace shall be residing or inhabiting within three miles of such port or town.

Certificate under the hand of a mayor or bailiff of the cinque-ports to be sufficient. This act is repealed as to registering seamen, and the bounty money, by 9 Ann. c. 27. s. 63.

C A P. XXIV.

An act for granting to his Majesty a further subsidy of tunnage and poundage upon merchandizes imported for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France. Additional subsidy of tunnage on wines to be paid from 1 May, 1697. and before 1 Feb. 1699. Twelve pence in every twenty shillings of goods imported. Duties on drugs imported, spicery, and linen. Foreign wrought silks exported in one year, to have two thirds repaid. Wrought silks imported not charged with additional duty. Tobacco of the English plantations, or wines of the growth of France, Germany, &c. the Duties to be levied by officers of the customs, and paid into the Exchequer. Duties on sugar from America to be drawn back on exportation. Ginger to pay 2 s. per 100 wt. After 1 May, 1697, cut whalebone imported to be forfeited, and double the value. Goods imported, and exported again in twelve months, whole duties to be repaid without fee.

EXP.

9 W. 3. c. 23. For the statutes relating to tunnage, &c. see the note on 12 Car. 2. c. 4. 7 & 8 W. 3. c. 20.

No

No drawback to be allowed on exporting foreign wrought silks, &c. unless exported in time; and then the whole duties to be repaid. Naval stores for the King's use not to be charged. 1 s. in the pound.

C A P. XXV.

An act for licencing hawkers and pedlars, for a further provision for the payment of the interest of the transport debt for the reducing of Ireland.

6 & 7 W. 3.

c. 7.

For the continuance of these duties, see

9 & 10 W. 3.

c. 27.

12 & 13 W. 3.

c. 11.

3 & 4 Ann. c. 4.

5 Annæ, c. 19.

6 Annæ, c. 5.

7 Annæ, c. 25.

1 Geo. 1. stat.

2. c. 12. f. 8.

4 Geo. 1. c. 6.

WHEREAS an act of parliament was made in the sixth and seventh years of his Majesty's reign, intituled, An act for granting to his Majesty several additional duties upon coffee, tea, chocolate, and spice, towards satisfaction of the debts due for transport service for the reduction of Ireland, in which provision was made for the payment of interest of five pounds per centum for three years, for the principal sum of three hundred and thirty thousand seven hundred and sixty nine pounds, ten shillings, seven pence then allowed to be due for the said transport service for the reducing of Ireland, which duties have proved very deficient to answer such interest. We your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, being willing that a further provision may be made, and fund raised for making good to your Majesty's said subjects the deficiency of that provision, do hereby give and grant unto Majesty the duties herein after mentioned, and do humbly beseech your Majesty that it may be enacted: and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the four and twentieth day of *June*, one thousand six hundred ninety seven, until the five and twentieth day of *June*, which shall be in the year of our Lord one thousand six hundred ninety eight, there shall be answered and paid to his Majesty, his heirs and successors, by every hawker, pedlar, petty chapman, or any other trading person or persons going from town to town, or to other mens houses, and travelling either on foot, or with horse, horses, or otherwise, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed* (except as herein after is excepted) carrying to sell, or exposing to sale any goods, wares or merchandizes, a duty of four pounds; and that every person so travelling with a horse, ass or mule, or other beast bearing or drawing burden, shall pay the sum of four pounds, from the said four and twentieth day of *June*, one thousand six hundred ninety seven, to the five and twentieth day of *June*, one thousand six hundred ninety eight, for each horse, ass or mule, or other beast bearing or drawing burden, he or she shall so travel with, over and above the said first mentioned duty of four pounds.

Hawkers to certify the commissioners how they will trade,

II. And be it further enacted by the authority aforesaid, That every pedlar, hawker, petty chapman, and other trading person or persons so travelling as aforesaid, shall before the four and twentieth day of *June*, one thousand six hundred ninety seven,

Seven, deliver or cause to be delivered unto the commissioners for transportation, or any person or persons authorized or deputed by them, or the major part of them, in writing under their hands and seals, a note in writing under his or her hand, or under the hand of some person by her or him authorized in that behalf, how and in what manner he or she will travel and trade, whether on foot, or with one or more horse or horses, ass or asses, mule or mules, or other beast or beasts of burden, for her or his so travelling and trading, for which he or she shall thereupon pay or cause to be paid unto the said commissioners for transportation, or any person or persons authorized or deputed by them, or the major part of them, in writing under their hands and seals, one moiety of the duty by this act payable for the same, and give security by bond, with one or more sufficient sureties, to be taken in his Majesty's name, for the true payment of the other moiety of the said duties at the end of six kalender months, unless the party shall chuse to pay down the other moiety of the said duty, in which case he or she shall be allowed after the rate of two shillings in the pound for the prompt payment of the same, and thereupon a licence shall be granted unto him or her so to travel or trade by the said commissioners for transportation, or any two or more of them.

and pay one moiety of the duty, and give bond for the other at 6 months end.

2 s. in the pound allowed for prompt payment.

III. And be it further enacted, That if any such hawker, pedlar or petty chapman, from and after the said four and twentieth day of *June*, one thousand six hundred ninety seven, be found trading, as aforesaid, without or contrary to such licence, such person shall, for each and every such offence, forfeit the sum of twelve pounds, the one moiety thereof to the informer, and the other moiety to the poor of the parish wherein such offender shall be discovered; and that every person so trading, who upon demand made by any justice of the peace, mayor, constable or other officer of the peace of any town corporate or borough where he or she shall so trade, shall refuse to produce and shew unto such justice of peace, mayor, constable or other officer of the peace, his or her licence for so trading, to be granted as aforesaid, That then the person so refusing shall forfeit five pounds to be paid to the churchwardens of the parish where such demand shall be made, to the use of the poor of the same, and for nonpayment thereof, shall suffer as a common vagrant, and be committed to the house of correction.

Penalty on hawker, &c. trading without licence,

or refusing to produce his licence.

IV. And be it enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners for transportation, or any two or more of them, and they are hereby directed, appointed and required, upon the terms aforesaid, and upon the receipt and security given, as aforesaid, to grant a licence, to be by them subscribed, to every hawker, pedlar, petty chapman, or any other trading person, for him or her self, or for him or herself with one or more horses, asses, mules, or other beasts, which he or she shall travel with, as the case shall require, for which licence there shall be taken only one shilling, unless such hawker, pedlar, or petty chapman, shall travel with

Commissioners for transportation to grant licences to hawkers, &c.

What fee to be taken.

A distinct account to be kept, and duties paid into the Exchequer weekly.

Penalty.

Money to be applied as directed by 6 & 7 W.3.c.7.

Penalty for forging a licence.

Person sued may plead the general issue, and have treble costs.

Penalty on constable, &c. refusing to assist in the execution of the act.

horse, ass or mule, or other beast of burden, and in that case there shall be paid for such licence only two shillings, over and above the duties aforesaid, and no more; and that the said commissioners shall keep a separate and distinct account of the duties granted by this act, and pay the money arising thereby into his Majesty's Exchequer, upon *Wednesday* in every week (unless a holiday,) and if it be a holiday, then on the day next after that is not a holiday; and upon neglect or refusal of the same, shall incur the penalties, forfeitures, damages and costs, as other the officers of the Exchequer herein after mentioned shall be liable unto; which money so paid in, shall be applied to the uses herein after mentioned by this act, that is to say, for the paying the interest of the said three hundred and thirty thousand seven hundred sixty nine pounds ten shillings seven pence, in such sort and manner, and in such proportions as the duties arising by virtue of the said recited act, made in the sixth and seventh year of his Majesty's reign are appointed to be paid and applied, and not otherwise.

V. And be it further enacted by the authority aforesaid, That if any person and persons whatsoever shall forge or counterfeit any licence or licences, or travel with such forged or counterfeited licences, for the purposes aforesaid, such person shall forfeit the sum of fifty pounds, one moiety thereof to the King, the other to him that shall prosecute or sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, in which no essoin, protection, wager of law, or more than one imparlance shall be allowed, and shall be subject to such other pains and penalties as may be inflicted on persons for forgery.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested or troubled for putting in execution any the powers contained in this act, or for doing any matter or thing pursuant thereunto, such person or persons shall and may plead the general issue, Not guilty, and give the special matter in evidence; and if the plaintiff or plaintiffs shall be nonsuited, or judgment be given against him or them, upon demurrer, or a verdict pass for the defendant, such defendant shall have his, her or their treble costs, to be recovered in such manner as where by law costs are given to defendants.

VII. And be it further enacted by the authority aforesaid, That if any constable, headborough, or other officer or officers aforesaid, shall refuse or neglect, upon due notice, or on their own view, to be aiding and assisting in the execution of this act, being thereunto required, and each and every such officer or officers being thereof convicted by the oath of one or more credible witness or witnesses, before any justice of the peace for the county or place where such offence shall be committed, shall forfeit for each and every such offence, contrary to this act, the sum of forty shillings, to be levied by distress and sale of the offenders goods, by warrant under the hand and seal of such justice

justice of the peace, the one moiety to the poor of the parish where such offence shall be committed, the other moiety to the informer who shall prosecute for the same, rendring the overplus thereof to the owner, if any be.

VIII. And it is further enacted by the authority aforesaid, That it shall and may be lawful for any person and persons whatsoever to seize and detain any such hawker, pedlar, petty chapman, or other trading person or persons as aforesaid, till such time as he, she or they shall produce a licence in that behalf, if he, she or they have any, and if he, she or they shall be found trading without a licence, contrary to this act, for such reasonable time as he, she or they may give notice to the constable, headborough, tythingman, church-warden, overseer of the poor, or some other parish officer or officers, who are hereby required to carry such person so seized before some one of his Majesty's justices of the peace of the county or place where such offence or offences shall be committed; which said justice of the peace is hereby authorized and strictly required, either upon the confession of the party offending, or due proof by witness upon oath (which he is hereby impowered to administer) That the person so brought before him had so traded as aforesaid, and that no such licence shall be produced by such offender before the said justice, by warrant under his hand and seal, to cause the said sum of twelve pounds to be forthwith levied by distress and sale of the offender or offenders goods, wares or merchandizes, rendring the overplus, if any be, to the owner or owners thereof, after true deduction of the reasonable charge for taking the said distress, and out of the said sale to pay the said respective penalties and forfeitures aforesaid.

Hawker, &c.
may be detained till he produce his licence.

Penalty on hawker, &c. to be levied by distress.

IX. Provided always, and be it enacted, That this act, or any thing herein contained, shall not extend to prohibit any person from selling of any acts of parliament, forms of prayer, proclamations, gazettes, licensed almanacks or other printed papers licensed by authority, or any fish, fruits or victuals; nor to hinder any person or persons who are the real workers or makers of any goods or wares within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, or his, her, or their children, apprentices, servants or agents, from carrying abroad, exposing to sale, and selling any of the said goods and wares of his, her or their own making, in any publick mart, fairs, markets or elsewhere; nor any tinker, cooper, glazier, plumbers, harness-menders, or other persons usually trading in mending kettles, tubs, household goods or harness whatsoever, from going about and carrying with him or them proper materials for mending the same.

Act not to prohibit the selling of news papers, &c. nor goods or wares by the makers thereof, nor tinkers, coopers, &c.

X. Provided also, and it is further enacted by the authority aforesaid, That there shall be provided and kept in his Majesty's Exchequer, that is to say, in the office of the auditor of receipts, one book or register in which all monies that shall be paid into the Exchequer by virtue of this act shall be entred, registred and kept apart and distinct from all other monies paid or payable to his

A register to be kept of monies paid in.

his Majesty, or upon any other branch of his Majesty's revenue, or upon any other account whatsoever.

Penalty on
officers of
Exchequer
misapplying
the monies.

XI. Provided, and it is further enacted by the authority aforesaid, That if any officer in the Exchequer shall divert or misapply any of the monies that shall be paid into the Exchequer by virtue of this act, to any other uses or purposes than are hereby directed, then such officer so offending shall forfeit his office in the Exchequer, and be incapable of any office or place of trust, and shall be liable to pay the treble value of any sum or sums so diverted or misapplied to any of the persons thereby grieved, their respective executors, administrators, or assigns, who will sue for the same, by any action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster* wherein no essoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance shall be granted or allowed; and all orders and warrants for issuing, paying or disposing any of the monies to be raised by virtue of this act, contrary to the true intent and meaning thereof, shall be utterly void to all intents and purposes whatsoever.

Orders for
paying money
contrary to
the act, to be
void.

Act not to
hinder the
sale of goods
in any public
market.

XII. Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any person or persons from selling or exposing to sale any sorts of goods or merchandizes, in any publick mart, market or fair within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, but that such person and persons may do therein as they lawfully might have done before the making of this act; any thing herein contained to the contrary notwithstanding.

XIII. And whereas by the said before in part recited act it is provided, That the commissioners for transportation should, within three months after the passing of the said act, make out authentick debentures for each sum of money due to or for every respective ship, as the same was adjusted by the commissioners for taking and stating the publick accounts of the kingdom; and that such debenture, when made out, be delivered either to the owner of, or to the agent appearing for every such respective ship, and shall be made payable to such person or his assigns as such respective owner or his agent shall nominate, for the use of the owners of the respective ships: now, for the better adjusting and setting forth of what share, part and proportion of the money by this and the said in part recited act, any person is or may be intituled unto, and that the respective agents may be the better informed for making their payments, and for preventing of frauds in that behalf, be it enacted by the authority aforesaid, That on or before the first day of *August*, one thousand six hundred ninety seven, the several owners of the said ships, or such person or persons to whom their several shares, parts or interests in the same, shall before that time come, or be transferred, shall deliver in to the commissioners for transportation an account of what share, part or interest in each ship he or they under whom they claim are at the time of such account possessed of; and if such part, share or interest shall at that time

Owners of
ships, &c. to
deliver an account of their
shares, &c.

be

be transferred, assigned or vested in any other person than the first proprietor, then the person or persons claiming the same shall give an account to the said commissioners, how, and by what ways and means he or they become intituled to the same; and so from time to time upon the death of any person intituled to any part, share, or interest of the money intended to be raised by this or the said in part recited act, or upon assignment or transferring of such part, share or interest, the person who shall be intituled to such part, share or interest upon such death, assignment or transference, shall give an account of the same to the said commissioners, as above directed.

XIV. And be it further enacted by the authority aforesaid, That a register of every person's claim and interest shall be made, and from time to time be continued and kept in a book or books to be provided by the said commissioners for that purpose in their office: and for registering each person's claim or title, there shall be paid to the clerk one shilling, and no more; and no person shall be intituled to receive from the agent of any ship any of the money raised, or intended to be raised by this or the said in part recited act, till he hath delivered in to the said commissioners an account of his share, part and interest by him demanded or claimed, together with his title to the same, (if he be not the first proprietor) as aforesaid, which register shall be at all seasonable times viewed without fee or reward.

XV. And be it further enacted by the authority aforesaid, That in case it shall so happen that the several additional duties so granted to his Majesty, upon coffee, tea, chocolate and spice by the said herein recited act, together with the duties to be raised by virtue of this act, shall amount to more than what may prove sufficient for payment of interest, at five pounds *per centum*, for the said principal sum of three hundred thirty thousand seven hundred sixty nine pounds ten shillings seven pence, that then, and in such case, such surplus arising by the said duties, more than sufficient for payment of the said interest, shall remain in the Exchequer, and not be disposed of otherwise than by act of parliament expressly made in that behalf.

XVI. Provided always, That it shall and may be lawful for the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, out of the monies raised by this or the said recited act, to pay to the said commissioners, their clerks, or any other persons, such sums of money as they or any of them shall or may reasonably deserve for their service, or shall or may have expended in the execution of, or in relation to this or the said recited act.

XVII. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing therein contained, shall not extend or be construed to give any power for the licensing of any hawker, pedlar or petty chapman, to sell, or expose to sale any wares or merchandizes in any city, borough, town corporate, or market town within this realm, any otherwise than might have been done before the making of this act;

any thing therein contained to the contrary in any wise notwithstanding.

CAP. XXVI.

An act for the better preventing the counterfeiting the current coin of this kingdom.

WHEREAS notwithstanding the good laws still in force against the counterfeiting of the monies and coins of this realm, yet the said offence doth and is like daily to increase, to the manifest wrong and injury both of his Majesty and all his loving subjects, being very much occasioned for want of a due and condign punishment to be inflicted upon such artificers and others, who without any lawful authority do make or use puncheons, stamps, dyes, and other engines and instruments, which are commonly used, or may be made use of, in or about the coining of money: for redress of which so great and growing a mischief, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifteenth day of *May*, one thousand six hundred ninety seven, no smith, engraver, founder, or other person or persons whatsoever (other than and except the persons employed or to be employed in or for his Majesty's mint or mints in the tower of *London*, or elsewhere, and for the use and service of the said mints only, or persons lawfully authorized by the lords commissioners of the treasury, or lord high treasurer of *England* for the time being) shall knowingly make or mend, or begin or proceed to make or mend, or assist in the making or mending of any puncheon, counter puncheon, matrix, stamp, dye, pattern, or mould of steel, iron, silver, or other metal or metals, or of spaud, or fine founders earth, or sand, or of any other materials whatsoever, in or upon which there shall be, or be made or impressed, or which will make or impress the figure, stamp, resemblance or similitude of both or either of the sides or flats of any gold or silver coin, current within this kingdom, nor shall knowingly make or mend, or begin or proceed to make or mend, or assist in the making or mending of any edger or edging tool, instrument, or engine, not of common use in any trade, but contrived for marking of money round the edges with letters, grainings, or other marks or figures resembling those on the edges of money coined in his Majesty's mint, nor any press for coinage, nor any cutting engine, for cutting round blanks by force of a screw out of flatted bars of gold, silver, or other metal, nor shall knowingly buy or sell, hide or conceal, or without lawful authority or sufficient excuse for that purpose, knowingly have in his, her or their houses, custody or possession, any such puncheon, counter puncheon, matrix, stamp, dye, edger, cutting engine, or other tool or instrument before mentioned; and if any smith, engraver, founder, or other person or persons whatsoever, (other than and except as aforesaid) shall offend in any the matters or things aforesaid, then all and every such offender and offenders, their counsellors,

No smith, &c. except employed in the mint, &c. shall make or mend any dye, &c. to stamp any current coin of gold or silver, nor make any edging tool, &c. nor coining press, nor cutting engine, nor have in their custody any such.

Offenders, &c. guilty of high treason, and shall suffer death.

fellors, procurers, aiders and abettors, shall be, and is and are hereby adjudged to be guilty of high treason, and being of the said offences, or any of them, convicted or attainted, according to the order and course of the laws of this realm, shall suffer death as in case of high treason.

II. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, from and after the said fifteenth day of *May*, shall without lawful authority for that purpose, wittingly or knowingly convey or assist in the conveying out of his Majesty's mint in the tower of *London*, or out of any other of his Majesty's mints, any puncheon, counter puncheon, matrix, dye, stamp, edger, cutting engine, press, or other tool, engine or instrument used for or about the coining of monies there, or any useful part of such tools or instruments, that then as well the said person and persons so offending, their counsellors, procurers, aiders or abettors, as also all and every person and persons knowingly receiving, hiding or concealing the same, shall be, and is and are hereby adjudged to be guilty of high treason, and being of the said offences, or any of them, convicted or attainted according to the order and course of the laws of this realm, shall suffer death as in case of high treason.

Persons conveying out of the mint any puncheon, &c. and concealing the same, to be guilty of high treason.

III. And be it further enacted by the authority aforesaid, That if any person or persons (other than the persons employed in his Majesty's mint or mints, or such as shall have authority from the lords commissioners of the treasury, or lord high treasurer of *England* for the time being) shall after the said fifteenth day of *May*, mark on the edges any the current coin of this kingdom, or if any person or persons whatsoever shall mark on the edges any of the diminished coin of this kingdom, or any counterfeit coin resembling the coin of this kingdom, with letters or grainings, or other marks or figures like unto those on the edges of money coined in his Majesty's mint, every such offence shall be and is hereby adjudged to be high treason, and the offender and offenders therein, his and their counsellors, procurers, aiders and abettors, being thereof convicted or attainted according to the order and course of the laws of this realm, shall suffer death as in case of high treason.

Like penalty on persons marking the edges of any counterfeit coin,

IV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, after the said fifteenth day of *May*, shall colour, gild, or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any coin resembling any the current coin of this kingdom, or any round blanks of base metal, or of coarse gold or coarse silver of a fit size and figure to be coined into counterfeit milled money resembling any the gold or silver coin of this kingdom, or if any person or persons shall gild over any silver blanks of a fit size and figure to be coined into pieces resembling the current gold coin of this kingdom, all and every such person and persons so offending, their counsellors, procurers, aiders and abettors, shall be, and is and are hereby adjudged to be guilty of high treason, and being convicted or attainted thereof, according to the order and course of the laws of this realm, shall suffer death as in case of high treason.

or colouring, gilding, &c. any coin resembling the current coin,

Puncheon, dye, &c. found in the possession of any person not employed in the mints, may be seized and produced in evidence.

V. And be it further enacted by the authority aforesaid, That if any puncheon, dye, stamp, edger, cutting engine, press, flask, or other tool, instrument, or engine, used or designed for coining or counterfeiting gold or silver monies, or any part of such tool or engine, shall, at any time after the said fifteenth day of *May*, be hid or concealed in any place, or found in the house, custody, or possession of any person or persons whatsoever, not then employed in the coining of money in some of his Majesty's mints, nor having the same by some lawful authority, that then it shall and may be lawful to and for any person or persons whatsoever, discovering the same, to seize, and he and they are hereby required to seize the same, and to carry them forthwith to some justice of peace of the county, city, or place where the same shall be so seized, and by him secured, to be produced in evidence against any person or persons who shall or may be prosecuted for any such offence, in some court of justice proper for the determination thereof, and after such time as they or any of them shall have been produced in evidence, as well the same so produced, as the other so seized, and not made use of in evidence, and every of them, shall forthwith by order of that court where such offender or offenders shall be tried, or by order, and in the presence of such or some other justice of the peace, in case there be no such trial, be totally defaced and destroyed; and if, after the said fifteenth day of *May*, any counterfeit or unlawfully diminished money shall be produced in any court of justice, either in evidence against any person or persons for any offence relating to the counterfeiting or unlawfully diminishing of money, or otherwise, that then, or immediately after evidence given, the judge or judges of such court shall cause such monies to be cut in pieces in open court, or in the presence of some justice of the peace, and then to be delivered to or for such person or persons to whom the same of right shall appertain.

Counterfeit money, &c. produced in evidence or otherwise, to be afterwards cut in pieces.

Persons blanching copper for sale, or mixing blanching copper with silver, &c. or taking or paying counterfeit milled money, &c.

VI. *And whereas several mixtures of metals have been invented in imitation of gold and silver, and blanching copper is principally made use of in imitation of silver, and seldom, if ever, for any honest or good purpose;* be it further enacted by the authority aforesaid, That if any person or persons whatsoever, after the said fifteenth day of *May*, shall blanch copper for sale, or mix blanching copper with silver, or knowingly buy or sell, or offer to sale, blanching copper alone, or mixed with silver, or shall knowingly and fraudulently buy or sell, or offer to sale, any malleable composition or mixture of metals or minerals, which shall be heavier than silver, and look, and touch, and wear like standard gold, but be manifestly worse than standard, or shall take, receive, pay, or put off, any counterfeit milled money, or any milled money whatsoever unlawfully diminished, and not cut in pieces, at or for a lower rate or value than the same by its denomination doth or shall import, or was coined or counterfeited for, that then all and every such person and persons shall be deemed and adjudged guilty of felony, and, being thereof convicted or attainted, according to the order and course of the laws of this realm, shall suffer death as in case of felony.

to be guilty of felony.

VII. Provided always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained, or any attainder or attainders of any person or persons for any offence or offences made treason or felony by this act, shall not in any wise extend, or be judged, interpreted, or expounded, to make any corruption of blood to any the heir or heirs of any such offender or offenders, or to make the wife of any such offender to lose or forfeit her dower of or in any lands, tenements, or hereditaments, or her title, action, or interest to the same; and that all and every person or persons that shall at any time after the said fifteenth day of *May*, be accused or impeached of any the offences made treason or felony by this act, shall or may be indicted, arraigned, tried, convicted, or attainted, by such like evidence, and in such manner and form, as now are, or may by the laws of this realm be had or used against any offender or offender for counterfeiting the King's money; any thing in this act contained, or any other law or statute to the contrary notwithstanding.

Attainder by this act not to make corruption of blood, &c.

By what evidence offenders may be convicted.

VIII. And for the rendring more effectual an act made in the sixth and seventh years of his Majesty's reign, intituled, *An act to prevent counterfeiting and clipping the coin of this kingdom*; be it enacted by the authority aforesaid, That all and every the crimes and offences, specified and mentioned in the said act, may be heard and determined upon indictment or presentment either in his Majesty's court of *King's Bench*, or before the justices of *oyer and terminer*, or justices of assize, or general gaol delivery.

Offences in 6 & 7 W. 3. c. 17. may be heard in the King's Bench, or at a gaol delivery.

IX. Provided always, and be it enacted, That this act shall continue and be in force until the end of the next session of parliament, and no longer; and that no prosecution shall be made for any offence against this act, unless such prosecution be commenced within three months after such offence committed. This act made perpetual by 7 Annæ, cap. 25. sect. 3. and by sect. 2. the makers or menders of tools are to be prosecuted within six months.

Prosecution to be in three months.

By 9 & 10 W. 3. c. 21. s. 1. any person may deface counter, the said money,

CAP. XXVII.

An act for the more effectual relief of creditors in cases of escapes, and for preventing abuses in prisons and pretended privileged places.

WHEREAS by reason of the many grievous extortions and ill practices of such persons who have for several years past respectively executed the offices of marshal of the King's Bench, warden of the Fleet, and keeper of the Marshalsea, Newgate, and other prisons, and by several pretended privileged places within this realm, both creditors and debtors have been notoriously abused, and the good intents of the law wholly eluded: for reformation thereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *May*, one thousand six hundred ninety seven, all prisoners, either upon contempt or

Prisoners in the King's Bench or

Fleet to be detained there or in the rules.

Keeper suffering them to go at large without *Habeas Corpus* deemed an escape. For the mint see 9 Geo. 2. c. 28.

Upon judgment in action of escape, marshal or wardens fees to be sequestered for satisfaction.

Mod. cases in law §50.

Marshal, &c. suing a writ of error to reverse judgment, to put in special bail.

Penalty on the marshal, &c.

mesne process, or in execution, who are or shall be committed to the custody of the marshal of the *King's Bench* prison, or warden of the *Fleet*, shall be actually detained within the said prisons of the *King's Bench* and *Fleet*, or the respective rules of the same, until they shall be from thence discharged by due course of law; and if at any time from and after the said first day of *May*, the said marshal or warden, or any other keeper or keepers of any prison, shall permit and suffer any prisoner committed to their custody, either on mesne process or in execution, to go or be at large out of the rules of their respective prisons (except by virtue of some writ of *Habeas Corpus*, or rule of court, which rule of court shall not be granted but by motion made or petition read in open court) every such going or being out of the said rules shall be adjudged and deemed, and is hereby declared to be an escape.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, every person or persons obtaining judgment in any action of escape against the said marshal or warden, or their respective lawful deputy or deputies, shall and may have, not only the several remedies already by law allowed for obtaining satisfaction thereon, but the judges of the respective courts where such judgment shall be obtained (upon oath before them made by the person or persons obtaining such judgment, that the same was obtained without fraud or covin, and that the debt of the prisoner making such escape was a true and real debt and unsatisfied) shall, upon motion made to them in open court for that purpose, sequester the fees and profits of the office of marshal or warden, or so much, or such part or proportion thereof, as the said court wherein such motion shall be made shall think fit and reasonable, with respect to the debt or debts due from such prisoner or prisoners so escaping, and in the first place apply the same towards satisfaction of the debt or debts due from the prisoner or prisoners who escaped, together with all costs and damages recovered in such action of escape.

III. And to the end that such satisfaction may not be deferred by any writ of error brought for delay only, be it enacted, That if the said marshal or warden, or their respective deputy or deputies, shall at any time after the said first day of *May*, sue forth any writ or writs of error to reverse any judgment given in any action of escape, such marshal or warden, or their respective deputy or deputies, shall be obliged to put in special bail, or in default thereof no execution shall be stayed, nor any sequestration of the profits delayed.

IV. And whereas it is notorious that divers great sums of money and other rewards have been given to, and actually received by, the several persons executing the respective offices of marshal and warden, and other keepers of the several prisons within this kingdom, to assist or permit prisoners in their custody to escape, in open defiance and contempt of the laws of this realm: for preventing the like evil practice for the time to come, be it further enacted, That if any marshal

marshal or warden, or their respective deputy or deputies, or any keeper of any other prison within this kingdom, shall take any sum of money, reward or gratuity whatsoever, or security for the same, to procure, assist, connive at, or permit any such escape, and shall be thereof lawfully convicted, the said marshal or warden, or their respective deputy or deputies, or such other keeper of any prisons as aforesaid, shall for every such offence forfeit the sum of five hundred pounds, and his said office, and be for ever after incapable of executing any such office.

taking any reward to connive at prisoner's escape.

V. Provided always, That this act, nor any thing therein contained, shall extend, or be construed to extend to make void such securities, or any of them, as shall at any time or times hereafter be given by any prisoner or prisoners for his or their lodging or lodgings without the aforesaid prisons, or either of them, within the rules of the said prisons of *King's Bench* and *Fleet*, or either of them, so as such security or securities be not taken for the enlargement of any prisoner or prisoners out of or beyond the rules of the said prisons of *King's Bench* and *Fleet*, or either of them respectively.

This act not to void securities given for lodging within the rules of the said prisons.

VI. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, no retaking on fresh pursuit shall be given in evidence on the trial of any issue in any action of escape against the said marshal or warden, or their respective deputy or deputies, or against any other keeper or keepers of any other prison or prisons as aforesaid, unless the same be specially pleaded, nor shall any special plea be taken, received, or allowed, unless oath be first made in writing by the marshal or warden, or their respective deputy or deputies, or by such other keeper or keepers of any other prison or prisons as aforesaid, against whom such action shall be brought, and filed in the proper office of the respective courts, that the prisoner for whose escape such action is brought did without his consent, privity, or knowledge make such escape; and if such affidavit shall at any time afterwards appear to be false, and the marshal or warden or other keeper or keepers of any other prison or prisons, shall be convicted thereof by due course of law, such marshal or warden, or other keeper or keepers of any other prison or prisons shall forfeit the sum of five hundred pounds.

No retaking on fresh pursuit to be given in evidence on action of escape, unless specially pleaded; nor any special plea, unless upon oath that the escape was without consent of the marshal, &c. Penalty for false affidavit.

VII. And be it further enacted and declared by the authority aforesaid, That if at any time after the said first day of *May*, any prisoner who is or shall be committed in execution to either or any of the said respective prisons, shall escape from thence by any ways or means howsoever, the creditor or creditors, at whose suit such prisoner was charged in execution at the time of his escape, shall or may retake such prisoner by any new *Capias*, or *Capias ad satisfaciendum*, or sue forth any other kind of execution on the judgment, as if the body of such prisoner had never been taken in execution.

Prisoner in execution escaping, may be retaken by any new *Capias*.

VIII. And be it further enacted by the authority aforesaid, That if the said marshal or warden for the time being, or their respective deputy or deputies, or other keeper or keepers of any other

Keeper refusing to shew prisoner, it shall be an other escape.

other prison or prisons, shall, after one day's notice in writing given for that purpose, refuse to shew any prisoner committed in execution to the creditor at whose suit such prisoner was committed or charged, or to his attorney, every such refusal shall be adjudged to be an escape in law.

Penalty on marshal, &c. refusing to give a note whether a person be prisoner, or not.

Such note to be sufficient evidence.

Conveyances of the King's Bench and Fleet prisons, &c. to be inrolled,

Future conveyances, &c. to be inrolled in 6 months after execution thereof, or else to be void.

IX. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, desiring to charge any person with any action or execution, shall desire to be informed by the said marshal or warden, or their respective deputy or deputies, or by any other keeper or keepers of any other prison or prisons, whether such person be a prisoner in his custody, or not, the said marshal or warden, or such other keeper or keepers of any other prison or prisons, shall give a true note in writing thereof to the person so requesting the same, or to his lawful attorney, upon demand at his office for that purpose, or in default thereof shall forfeit the sum of fifty pounds; and if such marshal or warden, or their respective deputy or deputies exercising the said office, or other keeper or keepers of any other prison or prisons, shall give a note in writing that such person is an actual prisoner in his or their custody, every such note shall be accepted and taken as a sufficient evidence that such person was at that time a prisoner in actual custody.

X. And be it further enacted by the authority aforesaid, That on or before the four and twentieth day of *June*, one thousand six hundred ninety seven, all and every the conveyances, grants, and mortgages of the inheritance of the aforesaid prisons of *King's Bench*, and *Fleet*, or either of them, and of the prison-houses, lands, tenements, buildings, and other hereditaments to the said prisons of *King's Bench* and *Fleet* or either of them respectively belonging, or in any wise appertaining, and all leases thereof, and the respective titles of the marshal of the *King's Bench* and warden of the *Fleet* prisons thereunto, or of him or them in whom the inheritance or inheritances of, in, and to the said prisons, and prison-houses, and premises, or either of them, now are, and all trusts and declarations of trusts thereunto, or unto either of them relating, shall be inrolled (*viz.*) that of the marshal of the *King's Bench* in the *King's Bench* court, and that of the warden of the *Fleet* in the court of *Common Pleas* at *Westminster*; and that all future conveyances, grants, and mortgages, of the inheritance of the said prisons of *King's Bench* and *Fleet*, or of either of them, or of any part of either of them, and all leases thereof, and all trusts and declarations of trust thereunto or unto either of them relating, shall be so inrolled in the respective courts, as aforesaid, within six months next after the executing of every or any such conveyances, grants, mortgages, or leases, or such trusts or declarations of trusts thereunto or unto either of them relating, or of any of them; and if any such conveyances, grants, or mortgages, of the inheritance of the said prisons of *King's Bench* or *Fleet*, or either of them, or of any part of either of them, or any such trusts or declarations of trust thereunto or unto either of them relating,

relating, or any leases of the said premisses, be not so inrolled within the times limited as aforesaid, in the said courts respectively, as aforesaid, that then and in such case, as well the present as all future conveyances, grants, and mortgages of every of them, and the inheritance of the said prisons of *King's Bench* and *Fleet*, or either of them, or of any part of either of them, and all leases thereof, and all trusts and declarations of trust thereunto, or unto any of them relating, shall be and are hereby declared to be utterly void and of none effect, as if the same had never been executed; any law, statute, or custom, to the contrary thereof in any wise notwithstanding.

XI. And be it further enacted by the authority aforesaid, That from and after the said first day of *May*, the said offices of marshal of the *King's Bench* prison, and warden of the *Fleet*, and each of them, shall be executed by the several persons to whom the inheritance of the prisons, prison-houses, lands, tenements, and other hereditaments, of the said prisons of *King's Bench* and *Fleet*, or either of them, shall then belong or appertain respectively, in his or their respective proper person or persons, or by his or their sufficient deputy or deputies; for which deputy or deputies, and for all forfeitures, escapes, and other misdemeanors, in their respective offices by such deputy or deputies permitted, suffered, or committed, the said person or persons, in whom the aforesaid inheritances respectively are or shall then be, shall be answerable, and the profits and aforesaid inheritances of the said several offices shall be sequestred, seized, or extended to make satisfaction for such forfeitures, escapes, and misdemeanors respectively, as if permitted, suffered, or committed by the person or persons themselves, or either of them, in whom the respective inheritances of the said prisons shall then be.

XII. And whereas the way of proceeding against the warden of the *Fleet* prison by bill in the courts of Common Pleas and Exchequer at Westminster is found to be very dilatory; be it further enacted by the authority aforesaid, That from and after the said first day of *May*, it shall and may be lawful to and for any person or persons, having cause of action against the warden of the *Fleet* prison, upon bill filed in the said courts of *Common Pleas* or *Exchequer* against the said warden, and a rule being given to plead thereto, to be out eight days at most after filing such bill, to sign judgment against the said warden of the *Fleet*, unless he plead to the said bill within three days after such rule is out.

On bill filed against the warden, and a rule given out, judgment to be signed, unless pleaded to in three days.

XIII. And for the more easy and quick obtaining of judgment against any person or persons who now is or hereafter shall be a prisoner or prisoners in the aforesaid prison of the *Fleet*; be it further enacted by the authority aforesaid, That from and after the said first day of *May*, it shall and may be lawful to and for any person or persons, who hath or shall have any cause of action against any prisoner or prisoners, who now is, or are, or hereafter shall be committed to the said prison of the *Fleet*, after filing or entering of a declaration in such action with the proper officer,

Copy of declaration delivered to prisoner, &c. and affidavit made thereof, plaintiff to sign judgment.

officer, to deliver a copy of such declaration or declarations to any such defendant or defendants in any personal action or actions, or to the turnkey or porter of the said *Fleet* prison, and, after rule given thereupon to plead, to be out at eight days at most after delivery of such copy of declaration or declarations, and affidavit made of such delivery before the lord chief justice, or one other of the justices of the *Common Pleas*, or before the lord chief baron, or some other of the barons of the coil of the *Exchequer* at *Westminster*, of the delivery of such declaration or declarations to the defendant or defendants, in such action or actions, or to the turnkey or porter of the said *Fleet* prison, as aforesaid, to sign judgment in such action or actions against such defendant or defendants, as if such defendant or defendants had been actually charged at the bar of the *Common Pleas* or *Exchequer* with such action or actions; any law, statute, usage, or custom, to the contrary thereof in any wise notwithstanding.

No prisoner to pay chamber rent longer than while in actual possession, nor pay above 2s. 6d. per week.

XIV. *And whereas great sums of money have been and are still taken of the prisoners of the aforesaid prisons of King's Bench and Fleet, and other prisons, under pretence of chamber rent, although the said prisoners have not had the actual possession of any chamber within the said prisons, or any of them; for the avoiding of that inconvenience for the future be it enacted, That from and after the said first day of May, no prisoner or prisoners shall pay, or be compellable to pay any chamber rent for any chamber within either or any of the said prisons, for any longer time than he or they is or are actually in possession of the said chamber or chambers, and that during such time as he or they is or are actually in possession of any such chamber or chambers within either or any of the said prisons as aforesaid, such prisoner or prisoners shall not pay above the sum of two shillings and six pence per week for any such chamber; and if the marshal of the King's Bench prison, warden of the Fleet, or keeper or keepers of any other prison or prisons, as aforesaid, shall take or demand any greater sum or sums of money for the use of such chamber, than the sum of two shillings and six pence per week, he or they so taking or demanding shall in such case, for every such offence, forfeit the sum of twenty pounds.*

Penalty on demanding more.

XV. *And for the preventing for the future the many notorious and scandalous practices used in many pretended privileged places in and about the cities of London and Westminster, and borough of Southwark in the county of Surrey, by obstructing the execution of legal process there, and thereby defrauding and cheating great numbers of people of their honest and just debts; be it further enacted by the authority aforesaid, That from and after the said first day of May, it shall and may be lawful for any person or persons, who have or hath any debt or debts, sum or sums of money due or owing to him from any person or persons who now is, or hereafter shall be and reside within the White Friars, Savoy, Salisbury Court, Ram Alley, Mitre Court, Fuller's Rents, Baldwin's Gardens, Montague Close, or the Minorities, Mint, Clink, or Deadman's Place, upon legal process taken out against such person or persons, to demand*

Pretended privileged places.

demand and require the sheriffs of *London* and *Middlesex*, head bailiff of the liberty of the duchy of *Lancaster*, or high sheriff of the county of *Surrey*, or bailiff of the liberty of the borough of *Southwark* for the time being (as the case shall require, if the plaintiff think it requisite) or their respective deputy or deputies, officer or officers, to take, and they are hereby enabled respectively to take the *Posse Comitatus*, or such other power as to him or them or any of them shall seem requisite, and enter the said pretended privileged places, and any or either of them (as the case shall require) and to arrest, and in case of resistance or refusal to open the doors, to break open any door or doors to arrest such person or persons upon any mesne or other process, extent or execution, or to seize the goods of any such person or persons upon any execution or extent; and if the said sheriff or sheriffs, head bailiff, or their deputy or deputies, officer or officers, or either or any of them shall neglect or refuse (upon such request) with such force to do their best endeavours for the executing of such process, execution or extent, he or they so neglecting or refusing to execute such process, execution or extent, shall forfeit to the plaintiff or plaintiffs in such action the sum of one hundred pounds, to be recovered by action of debt, bill, plaint or information, in which no essoin, protection, or wager of law, or more than one imparlance shall be allowed; and if in the executing of such process, execution or extent, any person or persons shall oppose or resist any such officer or officers, or any of them, or any who shall be aiding or assisting to him, them, or any of them, in the executing of such process, execution or extent, he or they so offending shall, for every time he or they shall so offend, forfeit the sum of fifty pounds, and moreover shall be by some justice of peace committed to the common gaol of such county, city or place where such offence shall be committed, there to remain without bail or mainprize until the next assizes, sessions of *oyer* and *terminer*, and general gaol delivery, to be held for such county, city or place; and such offender or offenders being of such offence or offences duly convicted, every such offender shall suffer and undergo such imprisonment, and be set in the pillory, as the court where such conviction shall be shall think fit; and if any rescous shall be made of any prisoner taken by any such officer or officers as aforesaid, upon any such process, execution or extent, within the limits of any the before mentioned pretended privileged places, by any person or persons whatsoever, such person or persons, so making such rescous, or aiding, assisting or abetting the same, and being thereof lawfully convicted, shall respectively forfeit to the plaintiff in any such action the sum of five hundred pounds, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts at *Westminster*, in which action, bill, plaint or information, no essoin, privilege, protection, wager of law, or more than one imparlance shall be allowed; and if after such recovery had against any person or persons for such rescous, or for aiding, assisting or abetting the same,

Sheriffs, &c. may take *Posse Comitatus* and arrest in the said privileged places, on process, extent, or execution.

Penalty on sheriff, &c. neglecting or refusing to execute such process;

and on those who oppose officers in executing the same.

Penalty for rescuing a prisoner.

same, the person or persons against whom such recovery shall be had, shall refuse or neglect to pay to the plaintiff in such action, or to his, her or their executors, administrators or assigns, the sum or sums recovered, with full costs of suit, within one month after judgment signed upon such recovery, and demand made, that then the person or persons so refusing or neglecting as aforesaid, upon producing a copy of the judgment upon which such recovery shall be had, and oath made that the money recovered is not paid, shall, by order of such court wherein the said person or persons was or were so convicted, of or for any suit rescous, or for aiding, assisting or abetting the same, be transported by the sheriff or sheriffs of the county, city or place where such conviction shall happen to be, to one of his Majesty's plantations beyond the seas, there to remain for the space of seven years; and if the person or persons so transported, shall return again to this kingdom within the space of seven years, he, she or they so returning, shall be and is hereby adjudged guilty of felony, and shall not be allowed the benefit of clergy, but shall suffer and forfeit as in cases of felony where clergy is not allowed; and if any person or persons, inhabiting within either or any of the aforesaid pretended privileged places, shall receive, conceal or harbour any person or persons, who shall have made any rescous as aforesaid, he, she or they so receiving, concealing or harbouring any such person or persons, knowing or having had notice that such person or persons had been guilty of such offence, being thereof convicted by due course of law, shall be, by order of that court where such conviction shall happen to be, by the sheriff or sheriffs of the county, city or place where the offence was committed, transported to some or one of his Majesty's plantations beyond the seas, there to remain for the space of seven years, unless such person or persons shall, within the space of one month next after such conviction, pay to the plaintiff or plaintiffs in such action or suit, the full debt or duty for which such action or suit was brought, with full costs; and if he, she or they shall return into this kingdom within the said space of seven years, he, she or they so returning, shall be and is hereby adjudged guilty of felony, and shall not be allowed the benefit of clergy, but shall suffer and forfeit as in cases of felony, where clergy is not allowed.

Person harbouring or concealing rescuer, to be transported for 7 years, unless he pay the debt and costs.

Felony to return from transportation.

Penalties how to be disposed of.

XVI. And be it further enacted, That the several penalties before in and by this act inflicted, and not particularly disposed of, shall go one half to his Majesty, his heirs and successors, and the other half to him or them that will sue for the same, to be recovered as aforesaid.

This act to be a general law; and persons sued for executing the same may plead the general issue, &c.

XVII. And for the prevention of disputes touching this act, be it enacted by the authority aforesaid, That the same, and every clause and thing therein contained, shall be deemed, adjudged, and taken to be a general law, and that it shall not be needful to shew or set forth the same or any clause thereof in pleading, and that the same, and all clauses therein, shall be con-

construed most largely and beneficially for the preventing of all the mischiefs, abuses, escapes, and other inconveniencies herein provided against; and further, that if any person or persons shall at any time be sued for putting in execution any power or authority given by this act, such person and persons shall and may plead the general issue, and give in evidence this act, and the special matter; and if the plaintiff or plaintiffs in such action shall be nonsuit, or a verdict given for a defendant or defendants, or if the plaintiff or plaintiffs discontinue their action, or if upon demurrer judgment shall be given for the defendant or defendants, every such defendant or defendants shall have his or their double costs.

XVIII. Saving unto *Martha Johnson* widow, *Thomas Johnson*, Right of *Martha Johnson*, and *John Johnson*, sons of the said *Martha*, and *Frances* her daughter, their heirs, executors, administrators and assigns, all such right, title, estate, equity, interest and demand, as she or they now have, or shall or may have, challenge or claim, of, in or unto all or any the houses and shops belonging to the office of the warden of the *Fleet*, or to the prison of the *Fleet*, herein before contained, as fully and effectually, to all intents and purposes, as she or they had before the making of this act, as if this act had never been had or made.

XIX. Provided nevertheless, That nothing in this act contained shall extend to prejudice, impeach, or lessen any security or securities for any sum or sums of money made or given, by or out of the said office of marshal of the *Marshalsea* of the court of King's bench, or the profits thereof, by *William Lenthall* esquire, to Sir *John Cutler* baronet deceased, or to *Edmund Boulter* esquire, executor of the said Sir *John Cutler*, or to any other person or persons in trust for them or either of them, or to subject the said office, or the profits thereof, or the person or persons in whom the same are or shall be vested, to any of the forfeitures or penalties in this act contained, other than such as they are or may be liable unto before the making of this act, until such sum or sums of money, secured thereby, shall be fully satisfied and paid; any thing in this act contained to the contrary thereof notwithstanding.

XX. Saving unto *Anthony Smith* mariner, his heirs, executors, administrators and assigns, all such right, title, estate, equity, interest and demand, as he or they now have, or shall or may have, challenge or claim, of, in or unto the office of warden of the *Fleet*, or the prison of the *Fleet*, or all or any of the houses and shops belonging to the office of warden of the *Fleet*, or to the prison of the *Fleet*, or herein before contained (by virtue of two decrees in *Chancery*, the one of them made the two and twentieth day of *June*, one thousand six hundred eighty three, and the other of them the six and twentieth day of *January*, one thousand six hundred eighty five, whereby four hundred twenty five pounds, and the interest thereof, was and is decreed to be paid to the said *Anthony Smith* out of the said office, houses, shops and appurtenances, after a mortgage made thereof.

thereof by *Thomas Bromhall* unto *Henry Norwood* esquire was satisfied) as fully and effectually to all intents and purposes, as he or they had before the making of this act, and as if this act had never been had or made.

Right of Thomas Norwood not to be prejudiced,

XXI. Provided nevertheless, That nothing in this act contained shall be deemed, construed or adjudged to take away, lessen, charge or prejudice the right, title or interest of *Thomas Norwood*, surviving executor of *Henry Norwood*, as for, touching or concerning a debt of two thousand one hundred fifty and three pounds, and interest, secured to the said *Henry Norwood*, by virtue of a mortgage of the office of warden of the *Fleet* prison, bearing date the twenty third day of *November*, in the year of our Lord one thousand six hundred seventy and six, or so much thereof as is justly due thereupon; nor to take away, lessen or prejudice the right, title or interest of *John Clements* of the *Middle Temple, London*, gentleman, as for, touching or concerning a debt of two thousand two hundred ninety nine pounds, and interest, secured to the said *John Clements*, in trust for himself and others, by virtue of a mortgage of the said office of warden, bearing date the third day of *May*, one thousand six hundred seventy and eight, or so much thereof as is justly due thereupon.

nor of John Clements.

Deputations granted by William Lenthall made void, and succeeding marshals to be constituted by him with the consent of Edmund Boulter.

XXII. And be it further enacted by the authority aforesaid, That all and every deputation or deputations, grant or grants, at any time heretofore made or executed by *William Lenthall* esquire, of the said office of marshal of the *Marshalsea* of the said court of *King's Bench*, is and are hereby declared void and of none effect; and that all and every succeeding marshal shall from time to time, and at all times hereafter, be constituted and appointed by the said *William Lenthall*, his heirs and assigns, by and with the consent in writing under the hand and seal of *Edmund Boulter* esquire, his executors, administrators and assigns, until the debt owing by the said *William Lenthall* to the said *Edmund Boulter*, executor of Sir *John Cutler* baronet deceased, be satisfied.

C A P. XXVIII.

An act for the better observation of the course anciently used in the receipt of Exchequer.

FOR the better observation of the course anciently used in the receipt of the Exchequer, and the good, sure, and regular methods established, enacted, or appointed to be observed and kept by the respective officers and ministers of the said receipt, in all matters concerning receipts, payments, or other business to be there transacted or performed, whereupon the preserving and improving of the publick credit do chiefly depend; be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from and after the twentieth day of *April*, one thousand six hundred ninety seven, from time to time, as any sum or sums of money whatsoever shall be brought to the receipt of the Exchequer to be there

Tellers of the Exchequer, on receipt of money on loan, &c. to throw

there paid, either by way of loan or advance, or for or upon account of any tax, aid, imposition, revenue, or any other cause or occasion whatsoever, the respective teller or tellers of the said receipt, into whose office or offices the same shall be brought or tendred, as soon as the said sum or sums of money shall be brought or tendred, if the officers and ministers belonging to the talley court in the said receipt be then attending, or else as soon as the same officers and ministers shall be attending for the levying a talley or tallies for the same, shall without delay receive the said money so brought or tendred, and weighing the same in entire sums or otherwise, and making due entry of the weight and tale thereof (according to the ancient course) shall throw down or cause to be thrown down a bill or bills written upon parchment, and signed by such teller or tellers, into the said talley court, whereby a talley or tallies (according to the nature of the payment) may be duly levied for the discharge or safety of the King's subjects or others who shall make such payments, and whereby the said teller or tellers may plainly and fairly be charged with the sum or sums so by him or them received, as money in his or their custody being and remaining within the said receipt of *Exchequer*; and that any such teller or tellers, into whose office or offices any sum or sums of money shall be brought or tendred to be lent or paid to the King as aforesaid, or any clerk, substitute, or person employed or to be employed by any such teller or tellers in the business of his or their office or offices, shall not for such money so brought or tendred give any note importing a *depositum*, or any other private note, obligation, or security whatsoever, to prevent or hinder the due charging thereof in the *Exchequer* as aforesaid, upon pain that any teller who shall offend against this act, by neglecting, delaying or refusing to receive, and duly to charge himself with such money as shall be brought or tendred to be lent or paid to the King as aforesaid, or by giving any private note, obligation or security for any such money, whereby to prevent or hinder the due charging thereof in the *Exchequer*, as this act requires, shall for such offence forfeit his office, and be disabled to serve his Majesty, his heirs or successors, in the same or any other office or place of trust whatsoever, and moreover for every such offence shall forfeit and lose double damages to the King, or the party who shall suffer by such neglect, delay, refusal, prevention or hindrance, besides full costs of suit, to be recovered as is herein after mentioned; and that all and every the clerks, substitutes, or persons employed or to be employed by any such teller in the business of his or their office or offices, who shall offend against this act, by giving any private note, obligation or security, for any such money so brought or tendred to be lent or paid to the King, whereby or by means whereof the due charging the same, or any part thereof, in the *Exchequer* shall be prevented or hindered, shall for every such offence forfeit and lose double the sum for which such private note, obligation or security shall be given (to wit) one moiety thereof to the King,

down a bill in-
to the talley
court for a
talley to be
struck for the
same, and be
charged with
the sum re-
ceived.

Penalty on
teller, &c. not
duly charging
himself with
monies lent or
paid to the
King.

Penalty on tel-
lers clerks of
sending a-
gainst this act.

and the other moiety to such person and persons as will inform and sue for the same, and shall also for any such offence be removed and expelled from the said receipt.

No teller to charge himself with receipt of monies, but when officers of the talley court are present, nor throw down a bill for a talley to be struck until the money be actually received.
10 & 11 W. 3. c. 22. s. 14.

II. And be it enacted and declared by the authority aforesaid, That from and after the said twentieth day of *April*, one thousand six hundred ninety seven, no teller in the said receipt of *Exchequer* shall charge himself by his bill with the receipt of any monies in the *Exchequer*, but at such times as the officers of the talley court, their deputies, or substitutes, shall be there present, to levy a talley or tallies for the same; nor shall any teller, or other person employed by him, throw down, or cause to be thrown down into the said court, any bill or bills, owning or purporting the receipt of any sum or sums of money from any lender of money, receiver, or any other person or persons whatsoever, upon which bill or bills a talley or tallies are to be levied, according to the course of the said receipt, unless such teller respectively, or his clerks, or persons employed by him, shall have actually received, and have then in his office the very money which shall be specified in such bill or bills respectively, except in such cases where tallies are or shall be levied by the special warrants or directions of the commissioners of the treasury, or so many of them as shall be appointed to be a *quorum* for the time being, or of the treasurer of the *Exchequer* for the time being, or where the person for whom any talley or tallies shall be levied, or to whom such money shall be directed to be issued, shall at the same time, or on the same day of throwing down the said bill or bills, give a discharge according to the course of the *Exchequer*, upon some order or debenture for the money for which such bill shall be so thrown down, pursuant to the like warrant or directions to be had and received for that purpose, upon pain that any teller who shall offend against this act, by charging himself by his bill at such times as the officers of the talley court, their deputies or substitutes, shall not be there present as aforesaid, or by throwing down his bill or bills, without first receiving and having the money therein specified in his office as aforesaid (except in such cases as are before excepted) shall for such offence incur the like forfeiture of office and disability as are before mentioned, and for every such offence shall forfeit and lose double the sum so unduly charged by him (to wit) one moiety thereof to the King, and the other moiety to such person or persons as will inform and sue for the same; and if such offence shall be committed by any clerk or substitute of such teller, then such clerk or substitute, for every such offence, shall forfeit double the sum so unduly charged, in like manner, and shall be removed and expelled from the said receipt.

Exception.

Penalty on teller or deputy offending.

Penalty on teller's clerk, &c.

III. And to the end that none of his Majesty's treasure, which shall be charged in the receipt of the *Exchequer*, and ought to be there remaining, may be made use of or disposed without sufficient and lawful authority in that behalf, it is hereby also enacted and declared by the authority aforesaid, That no teller in the said

said

faid receipt of *Exchequer*, or any clerk or substitute of such teller, after the bill or bills of such teller shall be thrown down into the said talley-court, to charge him with any sum or sums of money which ought to be in his office, shall dispose, lend, pay, issue, make use of, or by any way or device whatsoever shall trust or depart with such money, or any part thereof, out of his office, without an order or debenture for the same to be first made forth and directed by the auditor of the said receipt for the time being, and recorded by the clerk of the pells for the time being, and taking a receipt to discharge the King, according to the ancient courie and practice of the said receipt, under the like forfeitures, disability, and penalties to be incurred by such tellers, their clerks, and substitutes respectively, for so doing, as are by this act provided and to be inflicted for unduly charging any money before it is actually received and in the office, as aforesaid.

No teller, &c. to dispose of any money out of his office, without an order from the auditor of thereceipt, &c.

IV. And that the King's service, or the business of particular persons, to be transacted at the said receipt from time to time, may not be delayed or prejudiced, be it further enacted and declared by the authority aforesaid, That from and after the said twentieth day of *April*, one thousand six hundred ninety seven, the chamberlains or deputy chamberlains, and such other officers, ministers, clerks, and deputies, as do belong to the talley-court, and are necessary for the levying of tallies, shall daily, except upon *Sundays*, and such other holidays as have been commonly observed at the receipt of *Exchequer*, constantly attend there in their several places, at least from eight of the clock in the forenoon, till one of the clock in the afternoon in every year from *Lady-day* to *Michaelmas*, and from nine of the clock in the forenoon till one of the clock in the afternoon in every year from *Michaelmas* to *Lady-day*, without absenting themselves from the same, unless they respectively be sick, or have leave of absence, to be obtained from the commissioners of the treasury, or the treasurer or under treasurer of the *Exchequer* for the time being; in which cases of sickness, or leave of absence, the room or place of such person sick, or having leave to be absent, shall be sufficiently supplied in the mean time as hath been accustomed; upon pain that any such officer, minister, clerk, or deputy, absenting himself contrary to this act, whereby the business of the King, or of any others in the said receipt, shall be delayed or obstructed, shall be liable to answer and make good, as well to the King as to the party that shall suffer any loss or damage by such delay or obstruction, double damages, besides full costs of suit; and that the auditor of the said receipt, and writer of the tallies and counter tallies, the clerk of the pells, the four tellers, and other the officers and ministers of the said receipt for the time being, shall severally by themselves, at all times when their own personal attendance is necessary and required by the ancient practice and usage there, and by themselves, or their respective deputies, clerks, or substitutes, at such times, and for such matters, wherein they or any of them may act by a deputy, clerk, or substitute,

Officers of the talley-court to attend daily, *Sundays* and holidays excepted; and in case of sickness, his room to be supplied.

Penalty on officer absenting without leave.

Penalty on officers of *Exchequer* not giving due attendance.

give such due and constant attendance in their respective places as that his Majesty, his heirs or successors, or any other person or persons, who are to receive money, or have other lawful occasions there, may not be delayed or prejudiced, for want of the due attendance of such officers, ministers, deputies, clerks, or substitutes respectively, under the like penalty of answering double damages, besides full costs of suit, as aforesaid.

§ 1 H. 3. stat. 5.

Auditors first clerk, clerk of the pells, and tellers officers, to take an oath.

V. And in regard the business of the said receipt is very much increased of late years, and that a considerable trust is reposed in the chief clerks there; it is hereby further enacted by the authority aforesaid, That the first clerk in the offices of the auditor of the receipt, the clerk of the pells, and of the four tellers aforesaid, and every of them (who are and shall be appointed by those officers respectively, with the approbation of the commissioners of the treasury, or the treasurer of the *Exchequer* for the time being) shall be sworn, and take their corporal oaths, for the due, just, and faithful performance of all matters and things to be done and performed by such clerks in the said offices respectively; and the oaths to that effect shall and may be administered by the commissioners of the treasury, or any of them, or by the treasurer or under treasurer of the *Exchequer*, or by the barons of the court of *Exchequer*, or any of them, for the time being.

Money not to be paid out of the *Exchequer*, but by the King's authority.

VI. And be it further enacted and declared by the authority aforesaid, That none of the monies which are, or hereafter shall be or remain, in the receipt of the *Exchequer*, shall be thence issued or paid, or be deemed to be lawfully issued or paid, but by or in pursuance of some sufficient grant or authority from his Majesty, his heirs or successors, or from some of his royal predecessors, under the great seal of *England*, or by virtue of some sufficient authority under the privy seal of his Majesty, his heirs or successors, or pursuant to some act or acts of parliament in that behalf, and not otherwise.

A table to be set up at the door of the auditor's office, shewing the repayment of the loans.

VII. And for the better satisfaction of such persons as have lent, or shall hereafter lend, any monies upon the credit of any tax, aid, imposition, or revenue already granted, or hereafter to be granted, to his Majesty, his heirs or successors, it is hereby further enacted, That there shall be a table or tables made and set up continually at the door of the auditor of the said receipt by him or his clerks, shewing how far the officers there have proceeded in the repayment of loans made upon the credit of such taxes, aids, impositions, or revenues, and how far the monies which shall be paid into the *Exchequer* by the respective receivers thereof do extend from time to time to discharge principal and interest upon the said taxes, aids, impositions, or revenues respectively, whereby all persons concerned at all such times when the office ought to be open, may without trouble or difficulty see what progress is daily made in the repayment of loans upon the several registers kept pursuant to any act of parliament in that behalf.

VIII. And be it further enacted by the authority aforesaid, That

That the said auditor of the receipt for the time being shall from time to time (for his just and lawful fees) duly enter or inroll all letters patents, and letters of privy seal, for issuing of the King's treasure, and shall draw the orders, or make the debentures for the issuing thereof, as he shall be from time to time required by the commissioners of the treasury, or the treasurer of the *Exchequer*, for the time being, and shall keep entries thereof in books to be provided and fairly written for that purpose, and shall weekly take the tellers accounts, and make certificate to the said commissioners of the treasury, or the treasurer for the time being, of all receipts, issues, and remains of the King's money there, and shall make out the imprest certificates from time to time, of all monies there issued upon account, or by way of imprest, and shall transmit the ordinary imprest rolls half yearly to the King's remembrancer, in order to the charging or prosecuting of accomptants, and shall half yearly (to wit) at *Easter* and *Michaelmas*, make out and transmit to the said commissioners of the treasury, or the treasurer for the time being, the declaration of the receipts, issues, and remains, at the *Exchequer* for every half year successively; all which matters and things, and all other matters and things belonging to the office or duty of the said auditor of the receipt, shall be faithfully and carefully done and performed by the auditor of the receipt for the time being, in such manner as hath been anciently accustomed; and that the said clerk of the pells for the time being, shall also from time to time (for his just and lawful fees) duly inroll or record all letters patents, and letters of privy seal, for issuing of the King's treasure, and truly and fairly enter and record all receipts and issues at the said *Exchequer*, and shall also take the tellers weekly accounts, and make certificates to the said commissioners of the treasury, or treasurer for the time being, weekly, of the receipts, issues, and remains, of the King's money there, and shall carefully examine all the imprest certificates and imprest rolls, and make out and transmit to the said commissioners of the treasury, or the treasurer for the time being, declarations of the receipts, issues, and remains, within every half year; and shall therein, and in all other matters and things appertaining to the office of the clerk of the pells, faithfully and carefully observe, and cause to be observed, the ancient course and method of the said receipt; and that they the said auditor of the receipt, and clerk of the pells, and all other officers and ministers of the said receipt, and their deputies, clerks, and substitutes respectively, shall, in the matters aforesaid, and in all other matters and things concerning their offices, demean themselves according to their respective duties, and be answerable for the same, as well to our sovereign lord the King, as to any person or persons who may suffer or be injured by any neglect or failure therein.

Auditor to inroll all letters patents, &c. draw orders for issuing the King's money, and keep entries thereof.

Also to certify the tellers accounts weekly, make out imprest certificates, and transmit the rolls, &c.

Duty of the clerk of the pells, &c.

Officers of the receipt, clerks, &c. to demean themselves according to their duties.

IX. And be it further enacted by the authority aforesaid, That Penalties, how all penalties and forfeitures for any offence against this act, shall to be recovered and may be recovered by action of debt, or of the case, bill, suit, ed.

or information, in any of his Majesty's courts of record, wherein no effoin, protection, wager of law, or more than one imparlance, shall be granted or allowed.

This act not to lessen the power of the treasury over the officers of the receipt,

X. Provided always, That this act, or any thing herein contained, shall not extend to lessen or diminish the lawful power, order, rule, or government, which the said commissioners of the treasury, and the treasurer for the time being, have and ought to have over the officers and ministers of the said receipt, or any other lawful power which the said commissioners of the treasury, or treasurer for the time being, have and ought to have in the execution of their places or trusts respectively; any thing herein contained to the contrary notwithstanding.

nor to alter receipts or payments by Exchequer bills.

XI. Provided also, That this act, or any thing herein contained, shall not extend to alter or change any method of receipts or payments by bills of credit in the *Exchequer*, allowed or to be allowed by parliament; any thing herein contained to the contrary notwithstanding.

Money to be kept in chests under three locks. Keys, by whom to be kept. No debentures to be paid the same day they are sent up to the clerk of the pells, except orders for the navy, &c.

XII. And be it further enacted and declared by the authority aforesaid, That all the money in the said receipt shall be kept in chests under three different locks, with keys to each chest, and that the tellers, or their clerks respectively, shall keep but one of the said keys to each of the said chests, and that another key of each chest shall be kept by the clerk of the pells for the time being, and that the other key of each chest shall be kept by the eldest of the two deputy chamberlains, who are employed in the striking of tallies for the time being; and that no orders or debentures shall be paid the same day in which they are sent up from the auditor's office to the clerk of the pells (except orders for the navy, ordnance, forces, or for monies registered upon some of the public registers) to the end the clerk of the pells, or his senior clerk in his absence, the tellers, or their clerks, and the deputy chamberlains, may know at the opening of the chest or chests in the morning what money to take out for the service of that day; and that the said clerk of the pells and deputy chamberlains every morning (*Sundays* and holidays excepted) at their first coming to the *Exchequer*, shall go up to the tellers, or their clerks, and having first taken notice of what debentures or orders are directed for payment, and lie ready to be satisfied, shall forthwith cause the respective chest or chests to be opened in their presence, and so much money to be taken out, and left with the tellers, or their clerks, as will satisfy the said debentures or orders so directed, and ready to be satisfied, and the rest to be safe locked up again; and that every day before their departure they shall return to the same offices, and see all the money which was received that day (except what shall have been paid away by debentures or orders recorded with the clerk of the pells) to be first weighed in the bags, that so it may be seen or guessed very near, whether the teller or his clerk puts in and takes out his money truly, and a ticket expressing the content to be put into each bag, and so to be secured in the said chests, under the three locks aforesaid; and in case money lock-

Money to be weighed, and then secured in the chests.

ed up in the said chests be directed to be issued for the navy, ordnance, forces, or upon any of the said publick registers, so that the payments must not be deferred till the chests are opened the next morning, then the said clerk of the pells and deputy chamberlains, upon such occasion, shall go up forthwith to the teller's offices, and see the chests opened for that money, and the publick service dispatched without delay, and the chests to be secured again in manner as aforesaid; and when the said clerk of the pells, by reason of sickness, cannot attend, or shall have leave of absence, it is hereby appointed, That his eldest clerk shall keep his keys of the said chests, and when the said deputy chamberlain shall happen to be sick, or have any leave to be absent, then his keys of the said chests shall be kept by his fellow the other deputy chamberlain; and that no money shall be taken out of the said chests, but in the presence and view of the said respective teller (or his clerk) and of the clerk of the pells, or (in case of sickness, or absence with leave, as aforesaid) of his eldest clerk, and likewise of the eldest deputy chamberlain, or (in case of his sickness, or absence with leave, as aforesaid) of the other deputy chamberlain, in the manner and form before mentioned.

Payments not to be deferred.

Clerk of the pells, &c. not attending, eldest clerk &c. to keep the keys. No money to be taken out, but in presence of the teller, &c.

XIII. And be it enacted by the authority aforesaid, That the auditor of the receipt, by himself, or his chief clerk, from and after the twentieth day of *April*, one thousand six hundred ninety seven; do at least once in every eight and twenty days call the proper officers of the said receipt together, and visit every teller's cash, and by numbering the bags, opening them, or some of them promiscuously, and if he thinks it necessary (by weighing or telling the money, or any part thereof, do see that the respective tellers have, in real money, the remains where-with he charges them, and that he do, as frequently as he thinks fit, but at least once in every three months, carefully examine the teller's vouchers for the payments which he allows them in his weekly certificates.

Auditor once in 28 days to visit every teller's cash, and once in 3 months examine their vouchers. 1697. C. 29.

CAP. XXIX.

An act for the repair of the piers of Bridlington, alias Burlington, in the East Riding of the county of York.

A farthing per chaldron on coals loaden at Newcastle, &c. to be paid till 1 May, 1704. for rebuilding Burlington pier. The monies raised by this act to be laid out for repairing the pier. Justices of the East Riding of Yorkshire once a year may inspect the book, and make orders for the better management of the duties. Commissioners may convey the duties as security for money borrowed. Commissioners to survey and inspect the repairs of the said pier, and certify the same to the justices, who are to sell the lands mentioned in the grant of King James I. to the earl of Holderness, and on nonpayment to distrain. *Continued by 5 Geo. 1. cap. 10. s. 2. for 25 years, from June, 1730.*

CAP. XXX.

An act for supplying some defects in the laws for the relief of the poor of this kingdom.

FORASMUCH as many poor persons chargeable to the parish, township or place, where they live, meerty for want of work, ought to be employed in any other place where sufficient employment is to be had, main- tain themselves and families, without being burthensome to any parish, the King, when

the session began. v. ld.
Fortesc. Rep.
372.

Persons coming to inhabit in any parish or place, and bringing with them a certificate under the churchwardens hands, &c. owning them to be inhabitants of such other parish, &c. the said other parish to provide for them whenever they ask relief of the parish to which such certificate was given.

Explained by
9 & 10 W. 3.
c. 11. and 11
Ann. stat. 1.
c. 18. f. 2.

Each witness to swear to the execution of certificates, &c.

3 Geo. a. c. 29.
f. 8.

And shall not be removed before.

Persons receiving alms to wear a badge on the shoulder of the right sleeve.

township or place, but not being able to give such security as will or may be expected and required upon their coming to settle themselves in any other place, and the certificates that have been usually given in such cases having been oftentimes construed into a notice in hand writing, they are for the most part confined to live in their own parishes, townships or places, and not permitted to inhabit elsewhere, though their labour is wanted in many other places, where the increase of manufactures would employ more hands: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, That if any person or persons whatsoever, that from and after the first day of *May*, which shall be in the year of our Lord one thousand six hundred ninety seven, shall come into any parish or other place there to inhabit and reside, shall at the same time procure, bring and deliver to the churchwardens or overseers of the poor of the parish or place where any such person shall come to inhabit, or to any or either of them, a certificate under the hands and seals of the churchwardens and overseers of the poor of any other parish, township or place, or the major part of them, or under the hands and seals of the overseers of the poor of any other place where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons mentioned in the said certificate to be an inhabitant or inhabitants legally settled in that parish, township or place, every such certificate, having been allowed of and subscribed by two or more of the justices of the peace, of the county, city, liberty, borough or town corporate, wherein the parish or place, from whence any such certificate shall come, doth lie, shall oblige the said parish or place to receive and provide for the person mentioned in the said certificate, together with his or her family, as inhabitants of that parish, whenever he, she, or they shall happen to become chargeable to, or be forced to ask relief of the parish, township or place, to which such certificate was given; and then, and not before, it shall and may be lawful for any such person, and his or her children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed and settled, in the parish or place from whence such certificate was brought.

II. And to the end that the money raised only for the relief of such as are as well impotent as poor, may not be misapplied and consumed by the idle, sturdy and disorderly beggars; be it further enacted by the authority aforesaid, That every such person as from and after the first day of *September*, one thousand six hundred ninety seven, shall be upon the collection, and receive relief of any parish or place, and the wife and children of any such person cohabiting in the same house (such child only excepted, as shall be by the churchwardens and overseers of the poor permitted to live at home, in order to have the care of and attend an impotent and helpless parent) shall upon the shoulder of the right sleeve of the uppermost garment of every such person,

in an open and visible manner, wear such badge or mark as is herein after mentioned and expressed, that is to say, a large Roman P. together with the first letter of the name of the parish or place whereof such poor person is an inhabitant, cut either in red or blue cloth, as by the churchwardens and overseers of the poor it shall be directed and appointed: and if any such poor person shall at any time neglect or refuse to wear such badge or mark, as aforesaid, and in manner as aforesaid, it shall and may be lawful for any justice of the peace of the county, city, liberty, or town corporate, where any such offence shall be committed, upon complaint to him for that purpose to be made, to punish every such offender for every such offence, either by ordering of his or her relief or usual allowance on the collection to be abridged, suspended or withdrawn, or otherwise by committing of any such offender to the house of correction, there to be whipt and kept to hard labour, for any number of days not exceeding one and twenty, as to the said justice in his discretion it shall seem most meet; and if any such churchwarden or overseer of the poor, from and after the said first day of *September*, shall relieve any such poor person, not having and wearing such badge or mark, as aforesaid, being thereof convicted, upon the oath of one or more credible witness or witnesses, before any justice of the peace of the county, city, liberty, or town corporate, where any such offence shall be committed, shall forfeit for every such offence the sum of twenty shillings, to be levied by distress and sale of the goods of every such offender, by warrant under the hand and seal of any such justice, one moiety thereof to be to the use of the informer, and the other to the poor of the parish where the offence shall be committed.

Penalty on refusing to wear the badge.

Penalty on churchwarden, &c. relieving poor persons not wearing such badge.

III. And for the more effectual preventing of vexatious removals and frivolous appeals; be it further enacted by the authority aforesaid, That the justices of the peace of any county or riding, in their general or quarter sessions of the peace, upon any appeal before them there to be had, for and concerning the settlement of any poor person, or upon any proof before them there to be made, of notice of any such appeal to have been given by the proper officer to the churchwardens or overseers of the poor of any parish or place (though they did not afterwards prosecute such appeal) shall, at the same quarter sessions, award and order to the party for whom and in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, as aforesaid, such costs and charges in the law, as by the said justices in their discretion shall be thought most reasonable and just, to be paid by the churchwardens, overseers of the poor, or any other person, against whom such appeal shall be determined, or by the person that did give such notice, as aforesaid; and if the person ordered to pay such costs shall happen to live in any county, riding, city, or town corporate, or elsewhere, out of the jurisdiction of the said court, it shall and may be lawful for any justice of the peace of the county, riding, city, liberty, or town corporate, wherein such person shall inhabit,

Justices, on appeal to them concerning the settlement of any poor person to award costs.

Person ordered to pay costs living out of the jurisdiction, justice of the county, &c. where

such person in-
habits, may
cause the mo-
ney to be le-
vied ;

if no distress,
offender to be
committed to
gaol.

Single persons
not deemed to
have a good
settlement in
any parish un-
der 1 year's
continuance.

43 Eliz. c. 2.

Poor children
bound ap-
prentices pur-
suant to the
act 43 Eliz.
c. 2. those to
whom they
are bound, to
provide for
them accord-
ing to the in-
denture signed
by the justices,
&c.

Penalty on
offender.
Persons to
whom poor
children are
bound, being
aggrieved,
may appeal to
the justices.

Appeal a-
gainst any or-
der for remo-
val of poor
person to be
determined at
the quarter
sessions.

hit, and every such justice is hereby required, upon request to him for that purpose to be made, and a true copy of the order for the payment of such costs produced, and proved by some credible witness upon oath, by warrant under his hand and seal to cause the money mentioned in that order to be levied by distress and sale of the goods of the person that is ordered and ought to pay the same; and if no such distress can or may be had, to commit such person to the common gaol of that county or liberty, there to remain by the space of twenty days.

IV. *And whereas some doubts have arisen touching the settlement of unmarried persons not having child or children, lawfully hired into any parish or town for one year; be it therefore enacted and declared by the authority aforesaid; That no such person so hired as aforesaid, shall be adjudged or deemed to have a good settlement in any such parish or township, unless such person shall continue and abide in the same service during the space of one whole year.*

V. *And whereas by an act made in the three and fortieth year of the reign of Queen Elizabeth, intituled, An act for the relief of the poor, it is amongst other things enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, or the greater part of them, by the assent of two justices of the peace, whereof one to be of the quorum, to bind poor children apprentices, where they shall see convenient; but there being doubts whether the persons to whom such children are to be bound, are compellable to receive such children as apprentices, that law hath failed of its due execution; be it therefore enacted and declared by the authority aforesaid, That where any poor children shall be appointed to be bound apprentices, pursuant to the said act, the person or persons, to whom they are so appointed to be bound, shall receive and provide for them, according to the indenture signed and confirmed by the two justices of the peace, and also execute the other part of the said indentures; and if he or she shall refuse so to do, oath being thereof made by one of the churchwardens, or overseers of the poor, before any two of the justices of the peace for that county, liberty, or riding, he or she for every such offence shall forfeit the sum of ten pounds, to be levied by distress and sale of the goods of any such offender, by warrant under the hands and seals of the said justices, the same to be applied to the use of the poor of that parish or place where such offence was committed; saving always to the person, to whom any poor child shall be appointed to be bound an apprentice, as aforesaid, if he or she shall think themselves aggrieved thereby, his or her appeal to the next general or quarter sessions of the peace for that county or riding, whose order therein shall be final, and conclude all parties.*

VI. *And be it further enacted by the authority aforesaid, That from and after the first day of May, one thousand six hundred ninety seven, the appeal against any order for the removal of any poor person from out of any parish, township, or place, shall be had, prosecuted, and determined, at the general or quarter sessions of the peace for the county, division, or riding,*

riding, wherein the parish, township, or place, from whence such poor person shall be removed; doth lie, and not elsewhere, any former law or statute to the contrary thereof in any wise notwithstanding.

VII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to make void any promise or engagement already made by the churchwardens or overseers of the poor of any parish, township, or place, to receive and take back any persons, in case they should become poor, and want relief.

VIII. Provided, that this act, nor any thing therein contained, shall be construed to hinder the justices of the peace within the liberty of Saint *Albans*, from hearing and determining any appeals for the settlement of the poor in their quarter sessions, as they might have done before the making of this act; any thing therein contained to the contrary in any wise notwithstanding.

C A P. XXXI.

An act for the easier obtaining partitions of lands in coparcenary, joint tenancy, and tenancy in common.

WHEREAS the proceedings upon writs of partition between coparceners by the common law or custom, joint tenants, and tenants in common, are found by experience to be tedious, chargeable, and oftentimes ineffectual, by reason of the difficulty of discovering the persons and estates of the tenants of the manors, messuages, lands, tenements, and hereditaments, to be divided, and the defective or dilatory executing and returning of the process of summons, attachment, and distress, and other impediments, in making and establishing of partitions, by reason of which divers persons having undivided parts or purparts are greatly oppressed and prejudiced, and the premises are frequently wasted and destroyed, or lie uncultivated and unmanured, so that the profits of the same are totally or in a great measure lost: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of *May*, one thousand six hundred ninety seven, after process of *Pone* or attachment returned upon a writ of partition, affidavit being made by any credible person of due notice given of the said writ of partition to the tenant or tenants to the action, and a copy thereof left with the occupier, or tenant or tenants, or if they cannot be found, to the wife, son or daughter (being of the age of one and twenty years or upwards) of the tenant or tenants, or to the tenant in actual possession, by virtue of any estate of freehold, or for term of years, or uncertain interest, or at will, of the manors, lands, tenements or hereditaments, whereof the partition is demanded, (unless the said tenant in actual possession be demandant in the action) at least forty days before the day of return of the said *Pone* or attachment, if the tenant or tenants to such writ, or any of them,

This act not to make void church wardens, &c. Promise to take back any person in case of poverty; nor to hinder justices of the peace at St. Albans from hearing appeals for settling their poor.
By 9 Geo. 1. c. 7. 1. 7. The like provision is made for the borough of St. Peter and hundred of Nassau Borough in Northamptonshire.

After process of *Pone* or attachment returned on writ of partition,

or

If the tenant do not enter an appearance within 15 days,

Court may proceed to examine the demandant's title, &c. and give judgment by default, and award a writ to make partition.

If tenant or other shall in one year after judgment entered, or in case of infancy, &c. shew a good matter in bar of such partition, &c.

the court may set aside such judgment, &c.

Person appealing to pay costs.

No plea in abatement to be admitted.

or the true tenant to the messuages, lands, tenements and hereditaments as aforesaid, shall not in such case, within fifteen days after return of such writ of *Pone* or attachment, cause an appearance to be entred in such court where such writ of *Pone* or attachment shall be returnable, then in default of such appearance, the demandant having entred his declaration, the court may proceed to examine the demandant's title, and quantity of his part and purpart, and accordingly, as they shall find his right, part and purpart to be, they shall for so much give judgment by default, and award a writ to make partition, whereby such proportion, part and purpart may be set out severally; which writ being executed after eight days notice given to the occupier, or tenant or tenants of the premisses, and returned, and thereupon final judgment entred, the same shall be good, and conclude all persons whatsoever after notice as aforesaid, whatever right or title they have, or may at any time claim to have in any of the manors, messuages, lands, tenements and hereditaments, mentioned in the said judgment and writ of partition, although all persons concerned are not named in any of the proceedings, nor the title of the tenants truly set forth.

II. Provided always, That if such tenant or person concerned, or either of them, against whom, or their right or title, such judgment by default is given, shall, within the space of one year after the first judgment entred, or in case of infancy, coverture, *Non sanæ memoriæ*, or absence out of the kingdom, within one year after his, her, or their return, or the determination of such inability, apply themselves to the court by motion where such judgment is entred, and shew a good and probable matter in bar of such partition, or that the demandant hath not title to so much as he hath recovered, then in such case the court may suspend or set aside such judgment, and admit the tenant and tenants to appear and plead, and the cause shall proceed according to due course of law, as if no such judgment had been given: and if the court, upon hearing thereof, shall adjudge for the first demandant, then the said first judgment shall stand confirmed, and be good against all persons whatsoever, except such other persons as shall be absent or disabled as aforesaid; and the person or persons so appealing, shall be awarded thereupon to pay costs, or if within such time or times aforesaid, the tenants or persons concerned, admitting the demandant's title, parts and purparts, shall shew to the court an inequality in the partition, the court may award a new partition to be made, in presence of all parties concerned (if they will appear) notwithstanding the return and filing upon record the former, which said second partition returned and filed, shall be good and firm for ever against all persons whatsoever, except as before excepted.

III. And be it further enacted by the authority aforesaid, That no plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any tenant.

IV. And

IV. And be it further enacted by the authority aforesaid, That when the high sheriff, by reason of distance, infirmity, or any other hindrance, cannot conveniently be present at the execution of any judgment in partition, in such case the under sheriff, in presence of two justices of the peace of the county where the lands, tenements or hereditaments to be divided do lie, shall and may proceed to execution of any writ of partition, by inquisition in due form of law, as if the high sheriff were then personally present; and the high sheriff thereupon shall, and is hereby enabled and required to make the same return, as if he were personally present at such execution: and in case such partition be made, returned and filed, he or they that were tenant or tenants of any of the said messuages, lands, tenements and hereditaments, or any part or purpart thereof, before they were divided, shall be tenant or tenants for such part set out severally to the respective landlords or owners thereof, by and under the same conditions, rents, covenants and reservations, where they are or shall be so divided, and the landlords and owners of the several parts and purparts so divided and allotted as aforesaid shall warrant and make good unto the respective tenants, the said several parts severally, after such partition, as they are or were bound to do by any copy, leases or grants of their respective parts before any partition made; and in case any demandant be tenant in actual possession to the tenant to the action for his part and proportion, or any part thereof, in the messuages, lands, tenements and hereditaments, to be divided by virtue of a writ of partition as aforesaid, for any term of life, lives or years, or uncertain interest, the said tenant shall stand and be possessed of the said purparts and proportions for the like term, and under the same conditions and covenants, when it is set out severally in pursuance of this or any other act, statute or law to that purpose.

Where high sheriff cannot be present at the execution of a judgment in partition,

under sheriff in presence of two justices may proceed thereupon. Tenants before the division, to be tenants under the same conditions, &c.

And landlords to make good to their tenants their said parts, as before partition made,

V. And be it further enacted by the authority aforesaid, That the respective sheriffs, their under sheriffs and deputies, and in case of sickness or disability in the high sheriff, all justices of peace, within their respective divisions, shall give due attendance to the executing such writ of partition, unless reasonable cause be shewn to the court upon oath, and there allowed of, or otherwise be liable every of them to pay unto the demandant such costs and damages as shall be awarded by the court, not exceeding five pounds, for which the demandant or plaintiff may bring his action in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege or wager of law shall be allowed, nor any more than one imparlance; and in case the demandant shall not agree to pay unto the sheriffs or under sheriffs, justices and jurors, such fees as they shall respectively demand for their pains and attendance in the execution of the same, and returning thereof, then the court shall award what each person shall receive, having respect to the distance of the place from their respective habitations, and the time they must necessarily spend about the same, for which they may severally bring their actions as aforesaid.

Sheriffs, under sheriffs, &c. to give due attendance for executing writs of partition.

Demandant not paying sheriff, &c. his fees, court to award the same.

VI. Pro-

This act to continue for 7 years.

VI. Provided always, That this act shall continue for seven years, and from thence to the end of the next session of parliament, and no longer. *Made perpetual by 3 & 4 Annæ, cap. 18. sect. 2.*

CAP. XXXII.

EXP.

Continued for 7 years by 11 & 12 W. 3. c. 13. See 1 Jac. 1. c. 21. 6 Ann. c. 16.

An act to restrain the number and ill practice of brokers and stock jobbers. From 1 May, 1697, no person to act as a broker in London or Westminster, or bills of mortality, without licence of the lord mayor of London, &c. Broker on admittance to take an oath. Lord mayor, &c. to administer the oath. Broker in three months after admittance, to take the oaths 1 W. & M. ff. 1. c. 8. and subscribe the association, 7 & 8 W. 3. c. 27. and enter into an obligation. Number of brokers not to exceed 100. Admittance fees not to exceed 40s. Brokers names and places of abode to be affixed on the royal exchange, and in Guild-hall, London. Penalty on person acting as a broker, if not admitted according to this act, and on persons employing them. Penalty on person not being a sworn broker, who shall act in discounting tallies, Exchequer bills, &c. Sworn broker to keep a register book, and to enter all contracts, &c. within three days after made, &c. Broker shall not take more than 10s. per cent. brokage. Broker after admittance to carry about him a silver medal of the King's Arms, &c. with the broker's name, &c. Penalty on broker dealing for himself, &c. or making any gain, &c. over and above the brokage allowed by this act. Policies, contracts, &c. entred into, on which any præmium shall be given to accept any share, &c. in joint stock, tallies, &c. to be void; except such policies, &c. as are to be performed in three days. Penalty on sworn broker not making discovery of other persons acting as such. This act to continue for three years. Person buying or selling cattle, corn, &c. not to be esteemed a broker. Sworn brokers from 1 May, 1697, &c. not to drive any bargain for tallies, &c. on any fund granted by parliament, unless licenced by the treasury.

CAP. XXXIII.

An act to make perpetual and more effectual an act, intituled,
An act to prevent delays at the quarter sessions of the peace.

Act 5 & 6 W. & M. c. 11. made perpetual.

WHEREAS an act made in the fifth and sixth years of the reign of King William and the late Queen Mary, intituled, An act to prevent delays of proceedings at the quarter sessions of the peace, which was to continue and be in force for three years, and from thence to the end of the next session of parliament, by experience hath been found useful and beneficial; therefore for continuing the same, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be and is hereby continued, and shall be in force and made perpetual.

Party prosecuting any *Certiorari* to remove an indictment may find two *Manucaptors* to enter into a recognizance, &c.

II. And for the making the purpose and design of the said act more effectual, be it enacted by the authority aforesaid, That from and after the one and twentieth day of April, which shall be in the year of our Lord one thousand six hundred ninety seven, the party or parties prosecuting any *Certiorari*, to remove any indictment or presentment from the quarter or general sessions of the peace, may find two sufficient *Manucaptors*, who shall enter into a recognizance before any one of his Majesty's justices

justices of the peace of the peace of the county or place where such indictment was found, or presentment made; and also it shall be added to the condition of every recognizance taken by virtue of this and the said act, that the party or parties prosecuting such writ of *certiorari*, shall appear from day to day in the said court of *King's Bench*, and not depart until he or they shall be discharged by the said court.

Party to appear daily in the King's Bench court until discharged.

CAP. XXXIV.

An act for the lessening the duty upon tin and pewter exported, and granting an equivalent for the same by a duty upon drugs.

WHEREAS upon due consideration of the great abatement in the price of tin since the book of rates was settled, it has been found just to reduce the duty payable on the exportation thereof to a more reasonable par with other goods of the product of England; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of *May*, one thousand six hundred ninety seven, there shall be paid on an entry of tin to be exported, for every hundred weight, containing one hundred and twelve pounds of such tin unwrought, the sum of three shillings, and for every hundred weight of tin wrought, commonly called *pewter*, containing one hundred and twelve pounds, the sum of two shillings, and so in proportion for any greater or lesser quantity of either, and no more; any thing in the book of rates to the contrary notwithstanding.

Tin exported to pay 3s. per 100 wt. Wrought tin called pewter 2s. per 100wt.

II. And whereas by an act made in the twelfth year of the late King Charles the Second, intituled, A subsidy granted to the King of tunnage and poundage, and other sums of money, payable upon merchandizes exported and imported; which act is to have continuance until the first day of August, one thousand seven hundred and six, it is provided, That all drugs, imported directly from the place of their growth in English built shipping, be rated one third part of what is charged in the said book of rates, and no more: now for a full recompence to such persons who may have any loan upon the said duty on tin so taken off as aforesaid; be it further enacted by the authority aforesaid, That from the said tenth day of *May*, the subsidy to be received for all drugs, imported directly from the place of their growth in English built shipping, shall be according to the full value on the respective species enumerated in the book of rates, and not according to the said abatement, and for all druggs otherwise imported treble such full value; any thing in the said recited act to the contrary notwithstanding.

Drugs imported in English shipping to pay the full value, otherwise imported treble the value; dyers drugs excepted.

Duties on drugs are continued by 6 Anna, c. 22. for 4 years, and made perpetual by 7 Anna, c. 7. s. 26.

III. Provided always, That nothing in this act contained shall extend to the laying a further duty on any sort of drugs used in dying. 8 Geo. I. c. 15. s. 10.

CAP. XXXV.

An act for raising the militia for the year one thousand six hundred ninety seven, although the month's pay formerly advanced be not repaid. E X P.

CAP. XXXVI.

An act for the further encouragement of the manufæcture of lustrings and alamodes within this realm, and for the better preventing the importation of the same.

WHEREAS it hath been always found of great advantage to encourage the setting up and making of new manufæctures within this realm, whereby the exportation of money to procure foreign commodities is prevented, the wealth of the kingdom increased, and the poor are employed: and whereas there are great quantities of alamodes and lustrings consumed by his Majesty's subjects, which till of late years were imported from foreign parts, and thereby the treasure of this nation much exhausted, but are now manufæctured in England by the royal lustring company, to as great perfection as in any other country, whereby many thousands may be employed: and whereas provision hath been made by divers laws for the encouragement of the said manufæcture, and for preventing the importation of such foreign silks without paying the duties charged thereon, which have been frequently eluded by the subtil practices of evil disposed persons: for remedy thereof, and for the further encouragement of the said manufæcture, be it enacted, and it is hereby enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That every person or persons, who shall import any foreign alamodes or lustrings, from parts beyond the seas, into any port or place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, without paying the rates, customs, impositions, and duties, that shall be due and payable for the same at such importation, or shall import any alamodes or lustrings prohibited by law to be imported, or shall by way of insurance or otherwise, undertake or agree to deliver, or in pursuance of any undertaking, agreement, or insurance, shall deliver, or cause to be delivered, any such goods or merchandize, and every person or persons who shall agree to pay any sum or sums of money, *Præmium*, or reward for insuring or conveying any such goods or merchandize, or shall knowingly receive or take the same into his, her, or their house, shop, or warehouse, custody or possession, such person or persons shall and may be prosecuted for any the offences or matters aforesaid, in any action, suit, or information, and thereupon a *Capias* in the first process, specifying the sum of the penalties sued for, shall and may issue, and such person or persons shall be obliged to give sufficient bail and security by natural born subjects, persons naturalized, or denizens, to the officer serving or executing the writ or process on or against him, her, or them, to appear in the court out of which such writ or process did issue,

Persons importing foreign alamodes or lustrings without paying the customs, or such as are prohibited, &c.

may be prosecuted, and a *Capias* thereupon be issued, &c.

at the day of the return of such writ or process, to answer such suit or prosecution, and shall at the time of such appearance, give sufficient bail or security by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence, in case he, she, or they shall be convicted thereof, or to yield his, her, or their bodies to prison.

II. And whereas by an act made in the fourth and fifth years of King William and Queen Mary, intituled, An act for continuing several acts therein mentioned, and for charging certain joint stocks, a penalty of five hundred pounds is laid upon persons insuring to import prohibited goods, or goods without paying duties and customs, and also a penalty of five hundred pounds upon any person who shall be so insured: for the more easy and certain recovery of the same it is hereby further enacted, That it shall and may be lawful for any person or persons to sue for or prosecute, and to recover the said penalty by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law, shall be allowed, nor more than one imparlance.

Penalty in the act 4 & 5. W. & M. c. 15. for insuring prohibited goods may be sued and recovered by action of debt, &c.

III. And be it further enacted by the authority aforesaid, That all black alamoses and lustrings whosoever manufactured, which shall be found in the custody or possession of any person or persons, not marked and sealed with the mark and seal or marks and seals of the custom house, or of the royal lustring company, shall and are hereby declared and adjudged to be forfeited, and shall or may be seized as forfeited whether the same have been before such seizure bought and sold, or not, and the person, in whose custody or possession the same shall be found, shall incur all the penalties contained in a clause relating to alamoses and lustrings now in force, in a certain act made in the sixth and seventh years of the reign of his present Majesty, intituled, *An act for granting to his Majesty certain duties upon glass wares and earthen bottles, coals, and culm, for the carrying on the war against France.*

Black alamoses and lustrings not having the custom house or royal lustring company's marks to be forfeited. Person in whose custody found, liable to the penalties in 6 & 7 W. 3. c. 18. f. 28.

IV. And be it further enacted by the authority aforesaid, That no alamoses and lustrings, that from and after the tenth day of *April*, one thousand six hundred ninety seven, shall be seized and forfeited by virtue of any law now in force, shall be consumed or used in this kingdom, but shall be exported again, and not sold otherwise than on condition to be exported: and for preventing their consumption in *England*, the same shall immediately on seizure, be carried to the custom house warehouse in *London*, and there such as are forfeited shall be sold by inch of candle, on condition to be exported, and not delivered to the buyer or any other person, but only to be carried on ship board in order to exportation, and not until sufficient security be given, that the same and every part thereof shall be exported, and not landed again in any part of *England*, dominion of *Wales*, or the town of *Berwick upon Tweed*; which security shall be discharged by certificate from the chief magistrate or officer of the place or port where such goods shall be

Alamoses and lustrings seized and forfeited, to be exported again; on seizure to be carried to the custom house, and there sold. Security to be given for exportation, &c.

landed, or by oath made that the same were lost at sea, and not otherwise.

V. *And forasmuch as there is no reason that any of his Majesty's subjects should have lustrings and alamodes at a cheaper rate than the inhabitants of this kingdom, or that it should be more profitable to export foreign lustrings and alamodes beyond the seas, than such as are made in this kingdom, which would happen, in case the exporter, be allowed to draw or receive back, on exportation, all or any part of the duties paid or payable on the said commodities on importation of the same; be it further enacted by the authority aforesaid,*

On exportation of foreign lustrings, &c. exporter to receive no drawback, &c.

That on exportation of foreign lustrings or alamodes, the exporter shall not be intitled to receive any drawback, or be repaid the duties, customs, or impositions paid, payable, or secured, on importation of the same, or any part thereof; any law, statute, custom, or usage, to the contrary notwithstanding.

VI. *And whereas the silk manufacturers are obliged, from time to time, to deliver to their agents, journeymen, warpers and winders, great quantities of silk to work up, which is often by them embezelled, sold, or pawned, to the great detriment of the silk manufacturers of this kingdom; be it enacted by the authority aforesaid, That all and every person or persons whosoever, that shall imbezel, pawn, sell, or detain any of the silk so delivered, or after the same is wrought up, and also all and every receiver and receivers, buyer and buyers, or such as take to pawn any of the said goods, shall be subject and liable to all the penalties, forfeitures, and punishments contained, mentioned, and provided, in one act of parliament made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, *An act for regulating the trade of silk throwing*; and in another act made in the twentieth year of the said King Charles the Second, intituled, *An act to regulate the trade of silk throwing*.*

Persons imbezelling, &c. any silk delivered to be wrought up, and also buyers, receivers &c. to be liable to the penalties in the act 13 & 14 Car. 2. c. 15. & 20 Car. 2. c. 6.

VII. *And whereas several weavers have certain pieces of black alamodes and lustrings by them, which have not been sealed by the officers of the customs, or royal lustring company, and are liable by law to be forfeited, if sold unsealed, as aforesaid, and the said weavers would also thereby incur other penalties: yet in commiseration of their condition, it is hereby further enacted by the authority aforesaid, That all and every such pieces of alamodes and lustrings, as do or shall appear upon oath made in writing before any justice of the peace by one or more credible witnesses (who have never been prosecuted for importing goods without paying the duties charged on the same, or for importing goods prohibited by law to be imported) to be manufactured within this realm, on or before the tenth day of April, one thousand six hundred ninety seven, shall be brought to the royal lustring company's warehouse, and the evidence of their being manufactured within this kingdom being there produced, shall be marked and sealed gratis by the said company, before the first day of May, one thousand six hundred ninety seven, and be lawful to be sold, as if manufactured by the said company.*

Weavers having alamodes and lustrings by them not sealed, upon proof on oath they were manufactured in England, may have them sealed gratis at the lustring company's warehouse, &c.

VIII. And

VIII. And for preventing the sale of other alamodes and lustrings under the colour of these so marked and sealed, as aforesaid; be it further enacted by the authority aforesaid, That the said weavers shall give an account weekly to the said Weavers to company, to whom they have sold such goods so sealed and give a weekly marked as aforesaid, under the penalty of double the value of account to such goods so sold, for every such omission, to be recovered in whom they sold such the same manner as other the penalties inflicted by this act are goods so seal- directed and appointed to be recovered, and that the said com- ed. pany shall keep a register of the said sales.

CAP. XXXVII.

An act for explaining and enforcing the act for paving and cleansing the streets within the cities of London and Westminster, and borough of Southwark, and weekly bills of mortality, and streets adjoining thereunto; and for widening the street at the south end of London Bridge.

WHEREAS by an act made in the second year of the reign of ^{2 W. & M. II.} his Majesty and the late Queen Mary, intituled, An act for ^{2. c. 2.} paving and cleansing the streets in the cities of London, and Westminster, and suburbs and liberties thereof, and out parishes in the county of Middlesex, and in the borough of Southwark, and other places within the weekly bills of mortality in the county of Surrey, and for regulating the markets therein mentioned, *there are several omissions which hinder the intentions of the said act*; for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of April, one thousand six hundred ninety seven, all and every person and persons inhabiting in the said parishes of Middlesex and Westminster, and in the liberties thereof, and in the borough of Southwark, or in any of the streets and lanes, or alleys, comprized within the weekly bills of mortality, and the town of Kensington, shall twice in every week (that is to say) on every Wednesday and Saturday at the least, between the hours of six and nine of the clock in the forenoon, sweep and cleanse, or cause to be swept and cleansed, all the streets, lanes, alleys, and publick places, before their respective houses, buildings, and walls, and the buildings and walls of churches and other publick places, to the end the dirt and soil in the said streets may be heaped ready for the scavenger to carry away, upon pain to forfeit ten shillings for every offence, to be recovered as other the penalties and forfeitures in and by the said recited act are ordered and directed.

Persons inhabiting within the bills of mortality, to cause the streets, &c. to be swept twice a week.

Penalty on offender.

II. And be it further enacted by the authority aforesaid, That if any conviction upon this or the said act shall be by the view or knowledge of any one or more justice or justices of the peace, then one half of the penalty therein mentioned shall be to the relief of the poor, and the other moiety (if for a default

Forfeitures how to be applied.

of pavement) to be employed for and towards the repairing, paving, and cleansing the said streets and places, to be paid to the scavenger of the said place, and by them employed for that use, or otherwise to the relief of the poor, as in and by the said recited act is ordered and directed.

Justices to cause both sides of the streets or lanes, &c. to be paved as well without the bills of mortality as within.

III. And be it further enacted by the authority aforesaid, That in case any place within the bills of mortality aforesaid shall be by the justices of the peace ordered to be paved, and the other side or part of the said street, lane, or place, be out of the said bills of mortality, that in that case it shall and may be lawful for the said justices of peace to cause the said other part or side of the said street, lane, and place, to be also paved by the respective inhabitants next adjoining, under the same penalty, and in the same manner, to all intents and purposes, as if the same had been within the said bills of mortality; any thing in the said recited act, or any other act whatsoever to the contrary in any wise notwithstanding.

2 W. & M. ff.
2. c. 8. f. 20.

IV. And whereas by the said act made in the second year of the reign of his now Majesty and the late Queen Mary, intituled, An act for paving and cleansing the streets in the cities of London and Westminster, and suburbs and liberties thereof, and out parishes in the county of Middlesex, and in the borough of Southwark, and other places within the weekly bills of mortality in the county of Surrey, and for regulating the markets therein mentioned, the breeding, feeding, and keeping any sort of swine within the backsides of paved streets of the said cities, borough or parishes, where the houses are contiguous, is prohibited, on pain of forfeiting all such swine, which nevertheless hath not prevented the same, but that the inhabitants of the said cities and borough are still much annoyed, and the health and lives of many families endangered by the unwholsome savour of such swine, which are still in great numbers kept within the backsides of several paved streets of the said cities and borough: For remedy whereof be it enacted by the authority aforesaid, That the said act, and the clause therein against the breeding, feeding, and keeping of swine, shall be from and after the said tenth day of April, one thousand six hundred ninety seven, effectually put in execution against all persons whatsoever who shall presume to breed, feed, or keep any manner of swine, within any part of the houses or backsides of the paved streets or lanes of the said cities, borough or parishes, so far as the contiguous buildings of them or any of them shall extend, or within the space of fifty yards thereof.

Clause in the act aforesaid against breeding or feeding of swine, to be put in execution.

If any liberty, precinct, &c. in the weekly bills of mortality be unable to repair their own highways, and perform the days work,

V. And be it further enacted by the authority aforesaid, That where there is any liberty, precinct or vill, in any parish or parishes within the weekly bills of mortality, that uses to repair their own highways, and that are or shall be unable to repair the same, and also to perform the days works which they are liable to do to the other highways within the parish or parishes wherein such liberty, precinct or vill lieth, then from and after the said tenth day of April, one thousand six hundred ninety seven, it shall and may be lawful to and for the justices of the peace,

peace, at their special sessions to be held every four months for the consideration of the highways, to allow or appoint so many or such a proportion of the days works, as are yearly to be performed by the respective inhabitants of any such liberty, precinct or vill, as the said justices in their discretions shall think fit, to be employed by the same inhabitants of such liberty, precinct or vill, which days works so to be allowed or appointed, the inhabitants of the same liberty, precinct or vill, shall do and perform accordingly, and then only the residue of the days works as such inhabitants are liable to do, shall be employed in repairing of the other highways within the parish or parishes wherein such liberty, precinct or vill lieth; any act, statute, usage or custom to the contrary in any wise notwithstanding.

VI. And it is hereby further enacted and declared, for avoiding any doubt touching the paving, repairing and amending so much of the ancient highway now built on both sides thereof, leading from *Tattenham Court* near *St. Giles's* pound towards *Tiburn*, That so much of the said ancient way shall be hereafter repaired, paved, and maintained by such person and persons as have heretofore used to repair, pave or maintain the same, under the penalties aforesaid; any thing in this act contained to the contrary thereof in any wise notwithstanding.

the justices may allow so many days works as they think fit for repairing the same, &c.

Highway leading from *Tattenham court* towards *Tiburn* to be paved by such as heretofore used to pave the same.

VII. And whereas the mayor, commonalty, and citizens of the city of London, have of late years, with great charge and difficulty, pulled down and new built all the houses upon London Bridge, and caused the street or common passage over the same to be opened and enlarged; which good and publick intention is not yet perfected by reason of certain tenements on or near the south end of the said bridge, which yet continue a great annoyance and prejudice to trade and commerce, by occasioning frequent stops, and to the endangering the lives of many passengers; be it enacted by the authority aforesaid, That Sir Robert Clayton, Sir William Ashburst, Sir

Richard Onslow baronet, Denzill Onslow esquire, Anthony Bowyer esquire, Charles Cox esquire, John Arnold esquire, Samuel Lewyn esquire, Thomas Weymondessall esquire, William Gulton esquire, Francis Wilkinson esquire, Thomas Raffey esquire, John Riches esquire, Sir John Fleet, Sir John Parsons, Sir James Houlton, Sir Richard Levett, Spencer Cooper esquire, Joseph Scriven esquire, or any eleven of them, shall have full power and authority, and are hereby empowered to treat and agree with the owners and occupiers of any such houses as they shall judge fit to be removed, rebuilt, or pulled down, or any part of them, and upon payment of such sum or sums of money so agreed upon, are hereby authorized to appoint workmen to pull down the said houses, or cause the said owners or occupiers to rebuild accordingly; and this act shall be sufficient to indemnify the said commissioners, and all persons authorized by them, against the owner or owners, or occupiers, and the heirs, executors, administrators or assigns of any of the said owners or occupiers, as if the same had been sold by deed, feoffment, bargain and sale,

Commissioners names.

or any eleven of them, shall have full power and authority, and are hereby empowered to treat and agree with the owners and occupiers of any such houses as they shall judge fit to be removed, rebuilt, or pulled down, or any part of them, and upon payment of such sum or sums of money so agreed upon, are hereby authorized to appoint workmen to pull down the said houses, or cause the said owners or occupiers to rebuild accordingly; and this act shall be sufficient to indemnify the said commissioners, and all persons authorized by them, against the owner or owners, or occupiers, and the heirs, executors, administrators or assigns of any of the said owners or occupiers, as if the same had been sold by deed, feoffment, bargain and sale,

Commissioners empowered to treat with the owners of such houses on London bridge as they shall think fit to be pulled down, &c.

Act to indemnify the commissioners against the owners, &c.

In case of wilful refusal to treat, or through disability by nonage, &c. Sheriffs of London or Surrey to return a jury to assess damage and recompence, &c.

Verdict of the jury to be binding. And a full authority to the commissioners to cause the said houses to be removed.

Commissioners to take their oaths for executing the trust reposed in them by this act.

or other assurance in the law, and done by fine and recovery, or any other way whatsoever; and if there shall be any persons, bodies corporate or collegiate, that shall wilfully refuse to treat and agree as aforesaid, or through disability by nonage, coverture or special intail, or other impediment, cannot, that in such cases the said commissioners are hereby authorized, by virtue of this act, to issue out a warrant or warrants to the sheriffs of *London* or *Surrey* for the time being, as the case shall require (who are hereby required accordingly) to impanel and return a jury before the commissioners, or any eleven of them, which jury, upon their oaths, to be administered by the said commissioners, are to inquire and assess such damage and recompence as they shall judge fit to be awarded to the owners and occupiers or either of them of any such houses, or any part thereof, as well in respect to his or their loss in trade, as his or their respective interest and estates in the said houses, as by the said commissioners shall be adjudged fit to be pulled down for the purposes aforesaid; and such verdict of the jury, and judgment of the said commissioners thereupon, and the legal payment or tender of the sum or sums of money so awarded and adjudged, shall be binding to all intents and purposes against the said parties, their heirs, executors, administrators and assigns, and others claiming any title or interest in the said houses, or in the ground whereon they stand, or thereunto belonging, and shall be a full authority for the said commissioners, or any eleven of them, to cause the same to be executed, and the said houses accordingly to be removed and pulled down, or any part of them.

VIII. Provided always, and be it further enacted by the authority aforesaid, That no person shall be enabled to act as a commissioner, to the intents and purposes aforesaid, until he shall have first taken his corporal oath before the lord chancellor or lord keeper of the great seal of *England* for the time being, for the due and impartial execution of the trust by this act reposed in him. See 2 Geo. 2. cap. 11.

Anno Regni GULIELMI III. nono.

AT the parliament begun at Westminster the two and twentieth day of November, Anno Dom. 1695. in the seventh year of the reign of our sovereign lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King defender of the faith, &c. and from thence continued by several prorogations and adjournments to the third day of December, 1697. being the third session of this present parliament.

* On the roll it is to the fifth day of July, 1698.

CAR.

CAP. I.

An act against corresponding with the late King James and his adherents.

WHEREAS upon the conclusion of peace between his Majesty and EXP.
the French King, it is become necessary for the carrying on a trade and commerce between England and France, that the subjects of each kingdom should have the freedom of going and coming out of and into the said kingdoms respectively: and whereas such persons who have been in arms against his Majesty, or have been engaged in traitorous conspiracies against his sacred person and government, and other disaffected persons, may take advantage, and be encouraged from thence to form and carry on treasonable designs and practices against his Majesty's royal person and government, unless some provision be made for prevention thereof; be it therefore, &c.

King's subjects who have since 11 December, 1688, gone into France without licence, or borne arms in the French King's service, or under the late King James, and shall return into England without licence, guilty of high treason. Subjects aiding or holding correspondence with the late King James, &c. or remitting money for his use, guilty of high treason.

IV. And whereas by an act made at a session of parliament held in the third and fourth years of the reign of his present Majesty and the late Queen Mary, intituled, An act against corresponding with 3 & 4 W. & M. c. 13.
their Majesties enemies, it was amongst other things enacted, That if any of their Majesties subjects should from and after the tenth day of March, in the year of our Lord one thousand six hundred ninety one, without licence from their Majesties, voluntarily go or repair, or embark in any vessel with an intent to go into France, or any dominions of the French King, and should be upon full proof convicted thereof, he should be taken, deemed, and adjudged to be guilty of high treason, and should suffer such penalties as in case of high treason: and whereas some doubt hath arisen whether the said clause be still in force: therefore for avoiding all disputes thereupon, be it declared by the authority aforesaid, That the said clause was intended Clause determined.
to have countinuanee only during the late war with France; and that the said clause and every part thereof is now determined and of no force,

Persons returning without licence, &c. unless they obtain licence to stay, guilty of high treason. Persons accepting pardons or grants of honour, &c. from the late King James, guilty of high treason. Pardons, &c. to be delivered up; and in default guilty of high treason. Persons not punishable for grants so delivered up. Grant of estate forfeited by this act void.

CAP. II.

An act to prevent the further currency of any hammered silver coin of this kingdom, and for recoinng such as is now in being, and for the making out new Exchequer bills, where the former bills are or shall be filled up by indorsement's.

WHEREAS by an act made in the last session of this present par- 8 & 9 W. 3. c. 2.
liament, intituled, An act for the further remedying the ill state
state

3 & 9 W. 3.
c. 6.

state of the coin of the kingdom, it was amongst other things enacted, That from and after the first day of December, one thousand six hundred ninety six, no hammered silver coin of this kingdom should be current in any payment whatsoever (except only such as were therein before mentioned) otherwise than by weight only, after the rate of five shillings and two pence for every ounce of sterling silver : and whereas by one other act made in the same session of parliament, intituled, An act for granting an aid to his Majesty, as well by a land tax, as by several subsidies, and other duties payable for one year, it was amongst other things enacted (to the end that such hammered silver coin might be made current in all payments at the said rate of five shillings and two pence by the ounce) That from and after the first day of February, one thousand six hundred ninety six, the tender of all such hammered silver money (except in such payments where the same were by the said first recited act directed to be received at a greater value) in any payment or payments whatsoever, to be made by any person or persons, bodies politick or corporate, to any other person or persons, bodies politick or corporate, at the rate of five shillings and two pence for every ounce troy, should be, and be deemed to be a good and sufficient tender in law : and that the refusal thereof in any such payment or payments should be, and be adjudged to be a refusal of so much of the lawful coins of this kingdom, as fully and effectually, as if any such tender and refusal be had and made of the lawful and current coins of this realm ; which said clauses and provisions, though necessary at the time of the enacting thereof, may nevertheless hereafter prove very prejudicial, and of evil consequence ; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That from and after the tenth day of January, in the year of our Lord one thousand six hundred ninety seven, no hammered silver coin of this kingdom shall be reputed or esteemed to be the lawful coin of this realm, nor be current in any payment whatsoever, at any rate or value whatsoever, either by weight or otherwise, nor shall the tender of any such hammered silver money, at any time from and after the said tenth day of January, be, or be deemed to be a good and sufficient tender in law, nor the refusal thereof in any payment whatsoever be or adjudged to be a refusal, of so much of the lawful coins of this kingdom ; any thing in the said recited acts, or either of them contained, to the contrary notwithstanding.

No hammered silver coin esteemed lawful, nor current in any payment, &c.

Old hammered money may be recoined.

II. Provided, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons to carry into any of his Majesty's mints in the tower of London, or in the cities of Bristol, Exeter, Chester, Norwich, and York, before the first day of March, one thousand six hundred ninety seven, any old hammered money, in order to be recoined ; and the respective master or worker of any such mint, or his deputy, is hereby authorized and required to receive the said old hammered money, and to cause the same forthwith to be melted down, and recoined into the lawful coins of this kingdom, and

to

to pay back the same so recoined on or before the five and twentieth day of *March*, one thousand six hundred ninety eight, to the several importers, in such manner and method as is now used in his Majesty's mint in the tower of *London*.

III. *And whereas in and by an act made and passed in the session of parliament which was holden at Westminster, in the eighth year of*^{8 & 9 W. 3.} *his Majesty's reign, intituled, An act for granting an aid to his*^{c. 6.} *Majesty, as well by a land tax, as by several subsidies and other duties payable for one year, it was amongst other things enacted, That the commissioners of his Majesty's treasury, or any three of them, might cause bills to be made forth at the receipt of the Exchequer, for any sum or sums of money, not exceeding one million five hundred thousand pounds, by virtue of that act, which were to be current in such manner and form as in the said act, and in several other acts of the said session of parliament, are mentioned: and in and by another act made and passed in the aforesaid session, intituled, An act for*^{8 & 9 W. 3.} *granting to his Majesty a further subsidy of tunnage and poun-*^{c. 24.}*dage upon merchandize imported for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France; it was enacted, That the commissioners of his Majesty's treasury, or any three of them, might cause further bills to be made for that the said receipt of the Exchequer for any sum or sums not exceeding twelve hundred thousand pounds, to have like currency as the bills before mentioned, as by the said several acts (relation being thereunto had) may more fully appear: and whereas several of the bills above mentioned, have been paid into the publick receipts for revenues, taxes, and aids, and issued out again several times, by which they have been subject to so many indorsements that they will admit of no further indorsements to be made thereupon, and consequently will not be so current in payments as before, which inconvenience will daily increase, unless some proper remedy be provided; be it further enacted by the authority aforesaid, That in respect to such of the said bills as are or shall from time to time be filled up with indorsements, it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three of them now being, or for the high treasurer, or any three or more of the commissioners of his Majesty's treasury for the time being, to cause new bills to be made forth at the receipt of the Exchequer, to be delivered from time to time to such person or persons as shall demand the same in lieu of such bills as shall be brought in filled up with indorsements, which old bills shall be cancelled and kept apart from all other bills whatsoever; and such new bills shall, in all respects, have the like currency, and there shall be inflicted the same punishment for forging or counterfeiting the same, and they shall be subject to the same rules, methods, and continuance, as by the said former acts are provided in respect to the bills thereby made forth, or any of them; and such new bills respectively shall bear the same numbers, dates, principal sums, and rate of interest *per diem*, as were borne on the old bills brought in so to be cancelled respectively; and as to the interest that shall have incurred on the said old bills*
to

New bills may be made forth at the Exchequer, in lieu of those filled up with indorsements. Old bills to be cancelled.

to the days of their being brought in to be renewed, the intire sum of such interest shall be so computed, as to take off and abate what did accrue whilst they lay in the hands of any of his Majesty's receivers or collectors, or in his Majesty's Exchequer, and shall be written upon the said new bills; any thing in the said former acts contained to the contrary notwithstanding.

CAP. III.

EXP.
8 & 9 W. 3.
c. 20.

An act to give further time for the administering of oaths relating to tallies and orders, and for the easier dispatch of publick business in the Exchequer, and in the bank of England.—Purchasers of orders or tallies, &c. who have neglected to register their assignments, &c. may do the same. Persons claiming orders of loan, &c. not obliged to take the oath concerning the præmium, &c. Any number of tallies, &c. as follow in course, may be cancelled; and officer may give as few tallies in lieu thereof as desired. No one new order to contain more than 5,000l. The principal and interest to be paid in course.

IV. *And whereas by the act before recited or mentioned, it was also enacted, That the monies, which from time to time should become due and payable by virtue of any talley or order subscribed into the capital stock of the governor and company of the bank of England by virtue of the said act, as soon as conveniently might be, after the same should be received out of the Exchequer or any publick office by the said governor and company, their officers, servants, and agents, and at farthest once in every four months, should be divided by the said governor and company among the members of the whole corporation, rateably and in proportion to their severall and respective parts, shares, and interests in the said capital stock, for the particular, proper, and only use and behoof of the said members, separately and in their private and personal capacities, as by the said act, relation being thereunto had, may appear: and whereas since the enlarging the capital stock of the said governor and company of the bank of England, by subscription of tallies and orders pursuant to the said act, the making dividends of such monies at the end of every four months is found to be very inconvenient, and a great interruption to the business of transfers, payments, and other occasions of persons dealing with the said bank; be it therefore enacted and declared by the authority aforesaid, That the said governor and company of the bank of England, or their successors, shall not be obliged to make dividends of the monies, which from time to time shall become due or payable to, and be received by the said governor and company by virtue of the tallies and orders which have been so subscribed into the capital stock of the said governor and company of the bank of England, pursuant to the said act of parliament, once in every four months; but the said governor and company, and their successors, are hereby required and enjoined from and after the five and twentieth day of March, which shall be in the year of our Lord one thousand six hundred ninety eight, to make such dividends of the said monies once in every six calendary months at the least, unto the members of the said corporation, according to their respective shares and interest in the said capital stock of the said governor and company; any thing in the aforesaid act to the contrary notwithstanding.*

Governor and company of the bank to make dividends once in six months.
12 & 13 W. 3.
c. 12. s. 14.

CAP.

CAP. IV.

An act for continuing the imprisonment of Counter, and others, E X P.
for the late horrid conspiracy to assassinate the person of his sacred Majesty. *Continued by 10 & 11 W. 3. cap. 13.*

Anno nono & decimo GULIELMI III.

CAP. V.

An act for satisfying and discharging the arrears of several annuities, which incurred between the seventeenth day of May, one thousand six hundred ninety six, and the seventeenth day of May, one thousand six hundred ninety seven.

FOR raising and discharging the sum of two hundred fifty five thousand six hundred sixty three pounds five shillings and eight pence, which remains due and unpaid to satisfy, clear, and pay off the several annuities or sums of money, which between the seventeenth day of May, one thousand six hundred ninety six, and the seventeenth day of May, one thousand six hundred ninety seven, incurred and became due, and ought to have been paid as well out of five seventh parts of the late duties of tunnage of ships and other vessels, and out of two seventh parts of the same duties, as also out of certain duties charged upon salt; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons, natives or foreigners, having any estate for one life, of and in any annuity purchased or obtained at the rate of one hundred pounds for every fourteen pounds *per annum*, upon the several acts of parliament mentioned in an act made and passed in the parliament which was holden at *Westminster* in the sixth and seventh years of his Majesty's reign (intituled, *An act for enabling such persons as have estates for life in annuities payable by several former acts therein mentioned, to purchase and obtain further and more certain interests in such annuities, and, in default thereof, for admitting other persons to purchase and obtain the same, for raising money for carrying on the war against France*) or any of them, at any time before the five and twentieth day of *March*, one thousand six hundred ninety eight, to advance and pay into the receipt of his Majesty's Exchequer so much money as every or any such annuity, being computed for four years, doth or shall amount unto (that is to say) every such person shall and may pay to his Majesty's use for every one hundred pounds that was paid for the single life in any annuity of fourteen pounds *per annum*, the sum of six and fifty pounds more, for changing or converting the same into a certain term for the residue which shall be then to come of ninety six years, to be reckoned from the five and twentieth day of *January*, one thousand six hundred ninety five, or for a further interest for the residue of the said term of ninety six years,

Persons intit-
led to annu-
ties for life, at
14 l. per cent.
per ann.
6 & 7 W. 3.
c. 5.

may for every
100 l. paid for
a single life,
advance 56 l.
more for con-
verting the
same into a
term certain,
for the residue
of 96 years.

to

to take effect after the said estate for life, and in the same proportion for higher or larger annuities.

Persons not
paying in the
said considera-
tion money by
25 March,
1698.

II. And be it further enacted by the authority aforesaid, That if any person or persons, being intitled to any estate for one life in being, in any such present annuity or annuities, as aforesaid, or such as they shall nominate, shall not, before the said five and twentieth day of *March*, one thousand six hundred ninety eight, advance and pay into the receipt of Exchequer, such rate or consideration money as is before mentioned, for changing such his, her, or their estate for life into a term certain, or for a future interest, as aforesaid, that then and in every such case it shall and may be lawful to and for any person or persons whatsoever, natives or foreigners, having or not having any property or interest in such estate for life, at any time or times after the said five and twentieth day of *March*, one thousand six hundred ninety eight, and on or before the tenth day of *April*, one thousand six hundred ninety eight, to contribute, advance, and pay, into the said receipt of Exchequer, so much money as any such annuity being computed for four years doth and shall amount to; that is to say, for every one hundred pounds that was paid for the single life, in an annuity of fourteen pounds a year, there shall be paid, in all the cases last mentioned, the like sum of six and fifty pounds for an interest for the then residue of the said term of ninety six years, to be reckoned as aforesaid, and to be charged with, and subject to the present estate for life of and in the same annuities respectively, and there shall be paid a rate or consideration in the same proportion, for annuities exceeding fourteen pounds a year; and that all and every the person and persons so paying the consideration money, as aforesaid, shall immediately, upon payment of their monies, be intitled by this act to such annuity or annuities so to be purchased; and the same shall be charged upon such respective fund or revenue in the said former act mentioned, as if the consideration money so to be contributed or advanced for the same had been actually advanced or contributed within the respective times limited by the said former act.

any other may
purchase the
same.

Persons on
payment inti-
tled to the said
annuities, &c.

Or on dis-
charging the
King of so
much arrears
as the conside-
ration money
amounts to,
&c.

III. Provided always, and it is hereby enacted by the authority aforesaid, That if any person or persons, who are or shall be intitled to any arrears incurred between the seventeenth day of *May*, one thousand six hundred ninety six, and the seventeenth day of *May*, one thousand six hundred ninety seven, upon the said several annuities which were charged upon the said tunnage duties, or upon the said duties on salt, and are hereby intended to be provided for, shall, upon their orders, tallies, or lottery tickets, for such arrears, discharge his Majesty in the Exchequer, of so much as the consideration money to be paid by him or them respectively, for purchasing a further term or interest as aforesaid, shall amount unto, that then and in every such case, all and every the person and persons so discharging his Majesty of the value of the consideration money, as aforesaid, shall immediately, upon such discharge given and entered in the receipt

receipt of his Majesty's Exchequer (which the proper officers there are hereby required to enter and register accordingly, without fee or charge) be intituled by this act to such annuity or annuities so to be purchased; and the same shall be charged upon such respective fund or revenue in the said former act mentioned, as if the said consideration money was actually paid in the lawful coins of this realm.

IV. And it is hereby enacted, That all and every the directions, powers and clauses in the said former act contained, ^{Powers in the} for act 6 & 7 W. 3. ^{c. 5. revived.} or concerning the levying of tallies, the making forth of orders, or for making transferences or assignments, or for the apportioning or applying the monies arising by the said funds or revenues, or any of them, or for appointing, settling or establishing any other matter or thing, for or in relation to the respective annuities thereby purchased or obtained, shall be; and are by force and virtue of this act revived, and shall be duly observed, practised and put in execution, for and in respect of such annuities as shall be purchased or obtained upon this act, as fully and effectually as if the same powers, directions and clauses were here again expressed and particularly repeated.

V. And be it further enacted by the authority aforesaid, That ^{Monies how to} all the monies which shall come into the receipt of his Majesty's ^{be applied.} Exchequer, of or for the said contributions for further or more certain estates in the said annuities to be purchased as aforesaid, shall be issued and applied, and the same are hereby appropriated to and for the payment and satisfaction of the arrears of the several annuities which are charged upon the five seventh parts of the said tunnage duties, and upon the two seventh parts of the said tunnage duties, and upon the said duties upon salt, and which are or shall be incurred or become payable out of those funds respectively from the said seventeenth day of *May*, one thousand six hundred ninety six, to the said seventeenth day of *May*, one thousand six hundred ninety seven, so that a proportionable part of the contributions, so arising in money, shall be applied to make good each of those funds, according to the sum of the arrears incurred within the time aforesaid, which shall from time to time be remaining unpaid thereupon, and shall not be diverted to any other use, intent, or purpose whatsoever, upon pain that any officer offending therein shall for such offence forfeit his office, and double the value of every sum of money so diverted or misapplied.

VI. *And whereas by virtue of an act of parliament made in the fourth year of the reign of his present Majesty and of the late Queen of blessed memory, intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France, and of divers other subsequent acts of parliament, several persons are intituled to have and receive certain yearly annuities, rents, or payments, out of the said duties of excise granted* ^{4 & 5 W. & M. c. 3.} *by*

No annuities payable quarterly out of the duties of excise shall be paid off, until the precedent quarter be first discharged, &c. whereof publick notice to be given.

Penalty on officer offending.

by the said act first mentioned, payable quarterly, wherein no benefit of survivorship is to be had; be it further enacted by the authority aforesaid, That from and after the first day of *March*, one thousand six hundred ninety seven next ensuing, no officer or officers appointed to pay the said annuities shall pay off any quarterly payment of the said annuities upon any order or orders whatsoever, until all and every person or persons intituled to such annuities and payments shall or may have had and received, his, her or their annuities and payments for the precedent quarter; for which publick notice shall be given by hanging the same up in the most convenient publick place in the said office, that the last precedent quarter is either fully paid, or that the money is ready in the office for the payment of such as have not timely brought their respective orders to be directed, or have not thought fit to call for their money; and in case any officer shall offend herein by making any payment contrary to the tenor hereof, or in any other manner than as aforesaid, every such officer shall forfeit his office, and shall, for every such offence, forfeit the sum of fifty pounds to such person or persons who shall sue for the same, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege of parliament, or other privilege, wager of law, injunction, or order of restraint, or more than one imparlance, shall be granted or allowed; and in the said action the plaintiff upon recovery shall have his full costs.

C A P. VI.

An act that all retailers of salt shall sell by weight.

7 & 8 W. 3.
c. 31.

WHEREAS by an act made at the parliament, held in the seventh and eighth years of the reign of his present Majesty, intituled, An act for continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes and other earthen wares, for carrying on the war against *France*, and for establishing a national land bank, and for taking off the duties upon tunnage of ships and upon coals, it was enacted amongst other things, That all persons selling salt (except foreign salt) made for use, should after the time therein limited, sell the same after the rate of six and fifty pound weight to the bushel, and not otherwise, and so in proportion for a greater or lesser quantity; and that every person offending therein, shall forfeit the sum of five pounds to the informer, to be recovered in such manner as is therein expressed: and whereas several doubts and difficulties are made and have arisen upon the interpretation of the said clause, and other preceding clauses in the said act, touching the measure of salt, whereby the badgers and retailers of salt have made great advantages and gain to themselves, and used great deceit and wrong to the buyers, contrary to the true meaning of the said act; for the explaining and clearing of the said doubts and for remedy and prevention of any deceit by retailers of salt for the future, be it declared and enacted by the King's most excellent majesty,

etty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That no badger, re-
 No badger, retailer, &c. shall sell salt otherwise than by weight,
 tailer, or other person or persons whatsoever, making or dealing in salt, or buying salt to sell again, shall, from and after the five and twentieth day of *March*, one thousand six hundred ninety eight, sell or put to sale, exchange or otherwise dispose of any salt to any person or persons, or in any county, city or place whatsoever, within the kingdom of *England*, dominion of *Wales*, and the town of *Berwick upon Tweed*, otherwise than by weight, after the rate of six and fifty pound weight to the bushel, and not by measure, or in any other manner, and so in proportion for a greater or lesser quantity, and that every person offending therein, shall for every such offence forfeit the sum of five pounds Penalty. to the informer who shall prosecute for the same.

II. And be it further enacted by the authority aforesaid, That the forfeitures and offences made and committed against this act, or any thing therein contained, shall be heard, adjudged, and determined by any two or more justices of the peace residing near to the place where such forfeiture shall be made, or offence committed, who are hereby required to hear, adjudge, and determine the same; and if the party finds him or herself aggrieved by the judgment given by the said justices, the said party shall and may appeal to the justices of peace at the next general quarter sessions of the peace to be held for the county, city or borough, within which the said forfeiture was made, and the offence committed; who are hereby also impowered and authorized to hear and determine the same, whose judgment therein shall be final; and all justices of the peace are hereby authorized and required, upon complaint or information exhibited or brought to them, or any of them, of any forfeiture made or offence committed contrary to this act, to summon the party accused; and, upon his or her appearance or contempt, to proceed to the examination of the matter of fact; and, upon due proof made thereof by the oath of two or more credible witnesses (which oath any two or more justices of the peace have hereby power to administer) or by the voluntary confession of the party, to give judgment or sentence, according as in and by this act is directed, and to award and issue out warrants under their hands and seals for the levying of such forfeitures, as by this act is imposed, upon the goods and chattels of the offender; and to cause sale to be made of the said goods and chattels, if the same shall not be redeemed within six days, rendering to the party the overplus, if any be; and for want of sufficient distress to imprison the party offending until satisfaction be made for the forfeitures.

Farther provided for by 1 *Anna. stat. 1. c. 21. s. 28.*
 Justices of peace to hear and determine offences. Party aggrieved may appeal, &c.
 Forfeitures to be levied on offender's goods.
 For want of distress, offender to be imprisoned.

III. And for preventing of delays, which may happen through the neglect or default of any of the officers appointed for the collecting the said duty, to the great loss and damage of such persons as shall ship off or carry by land any salt; be it further enacted by the authority aforesaid, That when ever any salt

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shall Salt entered and duty paid, &c.

shall be entred to be put on board any boat, ship, or vessel, or carried by land, and the duty paid or secured to be paid, together with all monies then or before that time due and payable, by bond or otherwise, upon account of salt before that time delivered, the officer with whom such salt shall be entred, and the duty paid, or secured to be paid, as aforesaid, shall, upon due notice, by himself or a sufficient deputy, in the day time, between sun rising and sun setting, attend the weighing out such salt, without any loss or hindrance of time to the person or persons that shall ship off or carry the same; and in case he shall neglect or refuse so to do, he shall for every such neglect or default forfeit the sum of forty shillings, to be sued for, recovered, levied, and received, or mitigated, by the same means, rules, ways, and methods, as the other penalties and forfeitures in this act mentioned and contained are directed to be recovered.

Officer to attend the weighing out such salt.

Penalty on officer neglecting.

C A P. VII.

An act to prevent the throwing or firing of squibbs, serpents, and other fire works.

WHEREAS much mischief hath lately happened by throwing, casting, and firing of squibbs, serpents, rockets, and other fire works, some persons having thereby lost their lives, others their eyes, others have had their lives in great danger, and several other damages have been sustained by many persons, and much more may thereby happen, if not speedily prevented: for remedy whereof for the future be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, one thousand six hundred ninety eight, it shall not be lawful for any person or persons of what age, sex, degree, or quality soever, to make or cause to be made, or to sell or utter, or offer or expose to sale, any squibbs, rockets, serpents, or other fire works, or any cases, moulds, or other implements for the making any such squibbs, serpents, rockets, or other fire works, or for any person or persons to permit or suffer any squibbs, serpents, rockets, or other fire works, to be cast, thrown, or fired from, out of, or in his, her, or their house or houses, lodgings or habitations, or from, out of, or in any part or place thereto belonging or adjoining, into any publick street, highway, road, or passage, or for any person or persons, of what degree, quality, or age soever, to throw, cast, or fire, or to be aiding or assisting in the throwing, casting, or firing of any squibbs, serpents, rockets, or other fire works, in or into any publick street, house, shop, river, highway, road, or passage, and that every such offence shall be, and is hereby adjudged to be a common nuisance.

From 25 Mar. 1698. no person whatsoever shall make, sell, &c. squibbs, rockets, serpents, &c. or cases, moulds, &c. for making such squibbs.

II. And be it further enacted by the authority aforesaid, That if any person or persons, of what age, sex, degree, or quality soever,

soever, from and after the said five and twentieth day of *March*, shall make or cause to be made, or shall sell, give, or utter, or offer or expose to sale, any squibbs, rockets, serpents, or other fire works, or any cases, moulds, or other implements for the making of any such squibbs, rockets, serpents, or other fire works, that then every such person or persons so offending, and being thereof convicted before one or more justice or justices of the peace of the county, limit, division, corporation, liberty, or chief magistrate of the place, where such offence shall be committed, either by the confession of the party or parties so offending, or the oath of two witnesses (which oath the said justice or justices of peace, or chief magistrate, is and are hereby impowered and required to administer) shall for every such offence forfeit the sum of five pounds: and if any person or persons whatsoever, from and after the said five and twentieth day of *March*, shall permit or suffer any squibbs, serpents, rockets, or other fire works to be cast, thrown or fired from, out of, or in his, her or their house or houses, shops, dwelling, lodging or habitation, or from, out of, or in any part thereof, or place thereto belonging or adjoining, into any publick street, highway, road or passage, or any other house or place whatsoever, that then every such person or persons so as aforesaid last offending, and being thereof as aforesaid convicted, shall for every such offence forfeit the sum of twenty shillings; the said several forfeitures to be levied by distress and sale of the goods and chattels of every such offender, by warrant under the hand and seal of the said justice or justices of the peace, or chief magistrate, before whom such conviction or convictions shall be as aforesaid made; the one half of the said forfeitures to be to the use of the poor of the parish where every such offence shall be committed, and the other half to the use of him or them who shall prosecute, and cause such offender or offenders to be as aforesaid convicted.

Penalty on person throwing or firing squibbs, &c.

or suffering them, &c. to be thrown or fired from their houses.

Forfeitures how to be levied and applied.

III. And be it further enacted by the authority aforesaid, That if any person or persons of what age, sex, degree or quality soever, from and after the said five and twentieth day of *March*, shall throw, cast or fire, or be aiding or assisting in the throwing, casting or firing of any squibbs, rockets, serpents or other fire works, in or into any publick street, house, shop, river, highway, road or passage, that then every person so offending, and being thereof as aforesaid convicted, shall for every such offence forfeit the sum of twenty shillings to the uses aforesaid; and if the person or persons so as aforesaid last offending, shall not immediately (upon his, her or their being thereof as aforesaid convicted) pay to the said justice or justices of the peace, or chief magistrate, before whom such conviction shall be as aforesaid made, the said forfeiture or forfeitures, for the uses aforesaid, that then every such justice or justices of the peace, or chief magistrate, is and are hereby impowered and required, by warrant under his or their hands and seals, to commit every such person or persons, so as aforesaid last offending, to the house of correction.

Offender not paying forfeiture to be committed to the house of correction,

and kept to
hard labour.

correction within the county, division, limit, corporation, or liberty, where such offence as is last mentioned shall be committed, there to remain to be set and kept to hard labour, without bail or mainprize, for any time not exceeding one month, unless such offender as is last mentioned shall sooner pay such forfeiture or forfeitures to the said justice or justices of the peace, or chief magistrate.

Officers of the
ordnance, &c.
may order the
making of fire
works, &c.

IV. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the master, lieutenant, or commissioners of his Majesty's ordnance for the time being, or any other person or persons to be by them or any of them authorized, to give orders and directions for the making any sorts of fire works, to be used and fired according to such orders and directions as shall be from time to time given by the said master, lieutenant, or commissioners of his Majesty's ordnance, or any other person or persons to be by them for that purpose authorized; any thing herein contained to the contrary thereof in any wise notwithstanding.

Artillery com-
pany of Lon-
don, &c. may
use any sorts
of fire works
in the exercise
of arms, &c.
as before the
making this
act.

V. Provided always, and be it enacted, That it shall and may be lawful to and for the artillery company of the city of London, or any other artillery company or society of persons lawfully met together for the use and exercise of arms, the trained bands, the militia of this kingdom respectively, to make and use any sorts of fire works in the exercise and practice of arms and warlike exploits only, in such manner as they or any of them might lawfully have done before the making of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Persons sued
may plead the
general issue,
&c.

VI. And be it further enacted by the authority aforesaid, That if any person be at any time sued for putting in execution this act, or any the powers therein contained, that then such person so sued shall and may plead the general issue of Not guilty, and give the special matter in evidence; and if the plaintiff in such suit or action be nonsuit, or a verdict pass for the defendant, or if such plaintiff discontinue his action, or if upon a demurrer judgment be given for the defendant, every such defendant shall have his full treble costs, to be paid by such plaintiff, and the like execution for the same, as in any case where costs are given at law for the defendant.

C A P. VIII.

An act for explaining an act made the last session of parliament, for granting to his Majesty certain duties upon malt, mum, sweets, cyder, and perry.

WHEREAS in one act made in the last sessions of parliament, intituled, *An act for granting to his Majesty certain duties upon malt, mum, sweets, cyder and perry, as well towards carrying on the war against France, as for the necessary expences of his Majesty's household*, liberty was given for making and issuing of bills or tickets to a certain value, and for borrowing of two hundred thousand pounds by loan, in manner therein mention-

ed :

ed: and whereas some misconstructions have been made touching the payment and satisfaction of the loan mentioned in the said act, and of the bills or tickets which have been made and issued pursuant thereunto: be it hereby declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all the duties which have been, or hereafter shall be paid into the receipt of his Majesty's Exchequer, by virtue of the said recited act, shall be, and are hereby appropriated to be issued and applied to the payment and satisfaction of the said loan of two hundred thousand pounds, with interest for the same, or so much as remains due and unpaid thereof, and to the discharge and satisfaction of the said bills or tickets with interest in the first place, in such course and order as the said act directs and appoints, and to no other use or purpose whatsoever, until the said loan and the said bills or tickets with interest shall be fully paid and satisfied; any thing in the said act, or in any other act or acts to the contrary in any wise notwithstanding.

Duties arising by the act 8 & 9 W. 3. c. 22. shall be appropriated to the uses mentioned in the said act, &c. until the said loan and bills, &c. be paid.

II. And that the first monies arising by the said duties may not be diverted or applied otherwise than is hereby directed, be it further enacted by the authority aforesaid, That the rules and directions appointed and enacted in one act made in the first year of his Majesty's reign, intituled, *An act for a grant to their Majesties of an aid of two shillings in the pound for one year*, for the speedy payment of monies thereby granted into the receipt of the Exchequer by the collectors and receivers thereof, and for the distribution and application thereof, and keeping distinct accounts of the same, and all other provisos, pains, penalties and forfeitures thereby enacted in case of diversion of any money thereby appropriated, are hereby revived and enacted to be in force, and shall be practised, executed and put in ure, for and concerning the distribution and application of the said duties hereby appropriated, as fully, amply and effectually, as if the same were particularly repeated and re-enacted.

Rules in an act 1 W. M. sess. 2. cap. 1. revived.

CAP. IX.

An act for rendring the laws more effectual for preventing the importation of foreign bone lace, loom lace, needle work, point and cut work.
Repealed by 11 & 12 W. 3 cap. 11.

EXP.

CAP. X.

An act for granting to his Majesty the sum of one million four hundred eighty four thousand and fifteen pounds, one shilling, eleven pence three farthings, for disbanding forces, paying seamen, and other uses therein mentioned.

EXP.

CAP. XI.

An act for explaining an act made the last session of parliament, intituled, An act for supplying some defects in the laws for the relief of the poor of this kingdom.

WHEREAS in and by a certain act made in the last session of 8 & 9 W. 3. c. 30 this present parliament, intituled, *An act for supplying some defects*

K 3

defects in the laws for the relief of the poor of this kingdom, it was, amongst other things therein contained, enacted, That if any person or persons whatsoever, that from and after the first day of May, in the year of our Lord one thousand six hundred ninety seven, shall come into any parish or place, there to inhabit and reside, should at the same time procure, bring, and deliver to the churchwardens, or overseers of the poor of the parish or place where any such person should come to inhabit, or to any or either of them, a certificate under the hands and seals of the churchwardens and overseers of the poor of any other parish, township, or place, or the major part of them, or under the hands and seals of the overseers of the poor of any other place where there are no churchwardens, to be attested respectively by two or more credible witnesses, thereby owning and acknowledging the person or persons, mentioned in the said certificate, to be an inhabitant or inhabitants legally settled in that parish, township, or place; every such certificate, having been allowed of and subscribed by two or more of the justices of the peace of the county, city, liberty, borough or town corporate, wherein the parish or place from whence any such certificate shall come doth lie, shall oblige the said parish or place to receive and provide for the person mentioned in the certificate, with his or her family, as inhabitants of that parish, whenever he, she or they shall happen to become chargeable to, or be forced to ask relief of the parish, township or place, to which such certificate was given; and that then and not before, it should and might be lawful for any such person, and his or her children, though born in that parish, not having otherwise acquired a legal settlement there, to be removed, conveyed, and settled in the parish or place from whence such certificate was brought: and whereas some doubts have arisen upon construction of the said act, by what acts any person coming to inhabit or reside within any parish, by virtue of any such certificate as aforesaid, may procure a legal settlement in such parish, and whether such certificate did not amount to a notice in writing, in order to gain a settlement: for explaining thereof and of the said act, be it therefore enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons whatsoever, who shall come into any parish, by any such certificate as aforesaid, shall be adjudged by any act whatsoever to have procured a legal settlement in such parish, unless he or they shall really and bona fide take a lease of a tenement of the value of ten pounds, or shall execute some annual office in such parish, being legally placed in such office.

No person adjudged to have a legal settlement in any parish, unless he rent a tenement of 10l. per ann. or execute some parish office.

C A P. XII.

EXP.

An act for the enlarging, repairing and preserving the bridge and key of the borough of Bridgewater in the county of Somerset.

CAP.

CAP. XIII.

An act for granting to his Majesty several duties upon coals and culm.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons assembled in parliament, for a further supply of your Majesty's extraordinary occasions, do most humbly present to your Majesty the gift of the impositions, rates, and duties herein after mentioned; and do beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That for and during the term of five years, commencing from the fifteenth day of *May*, in the year of our Lord one thousand six hundred ninety eight, there shall be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs, and successors, for and upon all coals and culm, herein after expressed (except charcoals made of wood, and cinders made of pit coal) the several and respective impositions, rates, duties, and sums of money, herein after mentioned (over and above all such duties as are already payable for or in respect of the same, or any of them) that is to say,

Additional duty to be paid for coals and culm, for 5 years.

II. For all coals which at any time or times within or during the said term shall be imported or brought into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, from *Scotland*, or from any part beyond sea (in case they are such coals as are most usually sold by weight) the sum of five shillings of lawful *English* money for every tun, reckoning the tun to consist of twenty hundred weight, and every hundred to consist of one hundred and twelve pounds weight of *Averdupois*, and after that rate for any greater or lesser quantity.

For coals imported from *Scotland*, sold by weight, &c. 5 s. per tun.

III. And for all coals so imported from *Scotland*, or any part beyond sea, being most usually sold by the chalders, or by any other measure whatsoever reducible to the chalders, the sum of seven shillings six pence of like money for every chalders, reckoning the chalders to consist of six and thirty bushels *Winchester* measure, and after that rate for a greater or lesser quantity of such coals so imported or brought in from any foreign parts; the said duties for foreign coals imported or brought in as aforesaid, to be paid by the respective importer or importers thereof.

For Scotch coal, &c. sold by chalders, 7 s. 6 d. per chalders.

Importer to pay the duties for foreign coals.

IV. For all sorts of coals from time to time shipped, or water-born in order to be shipped or laid on board any ship or vessel, to be carried by sea, and which shall be carried by sea in any ship or vessel, from any port or place within the said kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, and which at any time or times within or during the said term shall be imported, brought or landed in any other port or place, within the kingdom, dominion or town aforesaid, being most

For coals shipped or water-born in *England*, 5 s. per chalders.

usually sold by the chalder, or by any other measure whatsoever reducible to the chalder, the sum of five shillings of lawful *English* money for every chalder, to be reckoned as aforesaid, and after that rate for a greater or lesser quantity.

For coals
usually sold by
weight, 3 s.
q d. per tun.

Duties to be
paid at the
port where
landed.

V. And for all sorts of coals from time to time so shipped, or waterborn in order to be shipped and carried by sea from any port or place of the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and which at any time or times during the said term shall be imported, brought or landed in any other port or place of the same (in case they are such as are most usually sold by weight) the sum of three shillings four pence for every tun, and according to that proportion for more or less; the said several duties for coals so shipped, or waterborn to be shipped, and carried by sea as aforesaid, from time to time to be paid at the respective ports and places of importation or landing of such coals, and to be charged upon the respective owner and owners, master or other person having the charge of every such ship or vessel, or of the coals so carried, imported or brought in the same.

For all culm
waterborne
12 d. per
chalder,
to be paid at
the place of
importation,
&c.

*These duties are
expired, but the
act is continued
by 1 Anne,
st. 3. c. 4.*

VI. And for all culm whatsoever, which at any time, during the said term of five years, shall be waterborn in order to be shipped within the kingdom, dominion, or town aforesaid, or brought into the same, the sum of one shilling *per* chalder, and after that rate, to be paid at the respective ports and places of importation or landing of such culm, and to be charged upon the respective owner and owners, or master or masters, or other person having the charge of every such ship or vessel, or of the culm so carried, imported, or brought in the same.

Commission-
ers of the cu-
stoms to ma-
nage these
duties, &c.

VII. And for the better levying and raising the said several duties and sums of money by this act imposed upon such of the said coals and culm as shall be imported or brought in from *Scotland*, or any parts beyond sea, as also upon such of the said coals and culm as shall or may be shipped, or waterborn to be shipped, and carried by sea from any part of the said kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, to any other part of the same as aforesaid, it is hereby enacted, That the same shall be from time to time under the management and government of the commissioners of the customs for the time being, who shall cause those duties from time to time to be raised, levied, collected and paid, so that the monies arising thereby (except the necessary charges of receiving, collecting, levying and managing the said duties) shall be answered and paid from time to time into his Majesty's Exchequer, distinct and apart from all other branches of the publick revenues.

Duties to be
paid before
bulk broken,

VIII. And for the better ascertaining and securing of the said duties upon coals and culm imported from foreign parts, or shipped, or waterborn to be shipped, and carried by sea from any part of *England*, *Wales*, or *Berwick*, to any other part of the same as aforesaid; be it further enacted, That the said several duties and sums of money for such coals and culm shall, from
time

time to time, during the said term of five years, be answered and paid unto his Majesty, his heirs and successors, or to such collector or person as shall by his Majesty, his heirs or successors, or by the said commissioners of the customs, or any four or more of them for the time being, under their hands and seals, be thereunto appointed, before bulk of the ship or vessel in which they are imported, brought or carried, shall be broken, or any the coals or culm therein shall be unladen, and before any meter, measurer or weigher in that behalf appointed or to be appointed, shall measure or weigh the same; upon receipt and before whereof, the party appointed to receive such duties shall, without delay, fee or reward, deliver a receipt under his hand to the person or persons who shall pay the said duty, which receipt shall for so much be a sufficient discharge; of all which ships and vessels, and of the coals and culm therein imported or brought, due entries shall from time to time be made in the custom house, of or belonging to such port or place where such importation shall be made (if any custom house be there) or else in the custom house of the next port or place where such importation shall be. And in case any of the said coals or culm so imported, brought or carried by sea, shall be unshipped to be laid on land, before the impositions, duties or sums aforesaid respectively due for the same shall be paid or secured, that then as well the said coals and culm so unshipped, as also the ship or vessel out of which the same shall be so unshipped, with all her guns, tackle, furniture and ammunition shall be forfeited and lost, one moiety of which forfeitures shall be unto his Majesty, his heirs and successors, and the other moiety to such person or persons as shall seize, sue or inform for the same, to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, or more than one imparlance shall be admitted.

and before measured or weighed.

Receipts to be given gratis. Coals to be entered at the custom house where imported.

If unshipped before duty paid, forfeited, &c.

IX. And to the end that the said impositions and duties may be duly answered and paid without fraud or covin, and for the better levying and collecting thereof, and for the discovery of the just quantities of all sorts of coals and culm, from time to time shipped, or waterborn to be shipped or carried by sea, imported or unladen as aforesaid; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, his heirs or successors, or to or for any four or more of the said commissioners of the customs for the time being, by writing under their hands and seals, from time to time, to assign and appoint, within every or any port or place within the said kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, such and so many meters, weighers or measurers of the said coals and culm, as shall within the term aforesaid be imported, brought or landed in such port or place, wherein or for which such meters, weighers or measurers shall be assigned or appointed as aforesaid; who shall from time to time measure and weigh all such coals and culm so imported or brought; and when and as soon as any such ship or vessel shall

Commissioners may appoint meters and weighers of coals in the several ports,

bq

Penalty on
master or own-
er, concealing
coals or culm,
&c.

be unladen, shall forthwith deliver a true certificate in writing, under his or their hand or hands, unto the person or persons appointed to receive the said impositions or duties within such port or place, of the sorts, quantities, and numbers of chalders or tuns of coals or culm respectively, which shall be measured or weighed, and delivered from on board any such ship or vessel, under the penalty of one hundred pounds: and in case it shall appear by such certificate, or otherwise, that there was on board any such ship or vessel a greater number of chalders or tuns of coals or culm, than for which the said impositions or duties hereby imposed shall have been answered and paid as aforesaid, that then in every such case there shall be paid unto his Majesty, his heirs and successors, by the master or owners of such ship or vessel, for every chalders or tun of coals or culm so concealed, over and above the impositions and duties aforesaid, the sum of ten shillings, for which, in case of refusal to pay the same, such ship or vessel, with the tackle, furniture and apparel thereof, or any part thereof, shall and may be attached and detained by the officer or officers for the time being, in such port or place appointed to receive the said impositions or duties, or to measure or weigh the said coals or culm, until payment thereof, and to sell the said ship or vessel, tackle, furniture and apparel, or any part thereof, in case all the said impositions, duties or payments before mentioned, for the said concealed coals or culm, shall not be paid and satisfied, with reasonable costs and charges for such attaching, detaining or selling, rendring the overplus; which sale shall be good and effectual in the law.

Proviso.

X. Provided nevertheless, That if the importer, upon such certificate delivered in by the measurer or weigher, shall within the space of six days after the delivery of such ship or vessel, and before her departure from that port or place, give in his post-entry, and satisfy and pay the whole duty for the surpluse of the said coals or culm, appearing upon the unloading of such ship or vessel, then upon such payment the penalty aforesaid shall be discharged.

Officers of the
several ports
to enter a true
account of all
monies received
and paid.

XI. And for the manifestation of the truth, and certainty in the premises, be it further enacted by the authority aforesaid, That the officers to be appointed in each port and place for the receiving of the said impositions or duties, and for the weighing and measuring of the said coals and culm shipped, or waterborn to be shipped, imported or landed as aforesaid, shall respectively keep one or more book or books for every such port or place, wherein they shall respectively enter down a true account of all such sums of money, which shall be paid or received for or upon account of the said impositions or duties, and of all the payments and disbursements of the same, and also a true account of the numbers of chalders and tuns of coals and culm so imported, landed, and unladen in any such port or place, and of the respective sorts thereof.

And the number
of chalders
and tuns, &c.

Three months
allowed for
paying the

XII. And it is hereby further enacted by the authority aforesaid, That there shall be allowed to every master or owner of any

any ship or vessel three months time for the payment of the duty imposed by this act, for such coals and culm, from time to time imported, brought or carried by sea as aforesaid, good and sufficient security being given for the same, such as the collector or other chief officer of the port or place where such goods shall be imported or brought shall approve of; or if such master or owner shall for the same pay present money, there shall be allowed him after the rate of ten pounds *per centum per annum*, for such prompt payment; and if any of the coals or culm, for which the duty hereby granted shall be once paid or secured at the importation or landing thereof, shall be again exported and carried to any other place of this kingdom, there shall be no further duty by this act paid or demanded for the same; and if any of the coals for which the duty by this act shall be once paid or secured as aforesaid, shall be afterwards carried to any parts beyond the seas, then an allowance out of the over-sea duties, or repayment, shall be made of so much as was before paid by this act for the same coals or culm.

duties, on giving security.

Ten pounds per cent. allowed for prompt payment.

Coals imported and exported again, no further duty to be paid. Coals carried beyond sea, duty to be repaid.

XIII. Provided also, and be it enacted, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done in execution of this act, he or they may plead the general issue, and give this act in evidence; and if a verdict pass for the defendant, or the plaintiff be nonsuit, or forbear prosecution, the defendant shall have *table costs*, to be recovered as in other cases where costs are given by law to defendants.

Persons sued may plead the general issue, &c.

CAP. XIV.

An act for continuing the duties upon coffee, tea and chocolate, and spices, towards satisfaction of the debt due for transport service for the reduction of Ireland. **EXP.**

Additional duties on several sorts of goods, &c. imported, expressed in an act 6 & 7 W. 3. c. 7. continued until 1 May, 1701. and the said act revived. — Continued further by 12 & 13 W. 3. cap. 11 until 1706. *Vide* 18 Geo. 2. c. 26.

CAP. XV.

An act for determining differences by arbitration.

WHEREAS it hath been found by experience, that references made by rule of court have contributed much to the ease of the subject, in the determining of controversies, because the parties become thereby obliged to submit to the award of the arbitrators, under the penalty of imprisonment for their contempt in case they refuse submission: now for promoting trade, and rendering the awards of arbitrators the more effectual in all cases, for the final determination of controversies referred to them by merchants and traders, or others, concerning matters of account or trade, or other matters; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That from and after the eleventh day of May, which shall be in the year of our Lord one thousand six hundred and ninety eight, it shall and may be lawful for all merchants and traders, and traders, &c. desiring to end contro-

verfies by arbitration, may agree their fubmiffion of the fuit to the award of any perfon, fhould be made a rule of any court of record, &c.

Agreement fo made to be inserted in their fubmiffion, &c.

Parties to be finally concluded by fuch arbitration.

In cafe of difobedience, party neglecting fubject to penalty, &c.

unless arbitrators mifbehaved themfelves.

Corrupt arbitration void, and may be fet afide, &c.

traders, and others defiring to end any controverfy, fuit or quarrel, controverfies, fuits or quarrels, for which there is no other remedy but by perfonal action or fuit in equity, by arbitration, to agree that their fubmiffion of their fuit to the award or umpirage of any perfon or perfons fhould be made a rule of any of his Majefty's courts of record, which the parties fhall choofe, and to insert fuch their agreement in their fubmiffion, or the condition of the bond or promife, whereby they oblige themfelves refpectively to fubmit to the award or umpirage, of any perfon or perfons, which agreement being fo made and inserted in their fubmiffion or promife, or condition of their refpective bonds, fhall or may, upon producing an affidavit thereof made by the witneffes thereunto, or any one of them, in the court of which the fame is agreed to be made a rule, and reading and filing the faid affidavit in court, be entred of record in fuch court, and the rule fhall thereupon be made by the faid court, that the parties fhall fubmit to, and finally be concluded by the arbitration or umpirage which fhall be made concerning them by the arbitrators or umpire, purfuant to fuch fubmiffion; and in cafe of difobedience to fuch arbitration or umpirage, the party neglecting or refufing to perform and execute the fame, or any part thereof, fhall be fubject to all the penalties of contemning a rule of court, when he is a fuitor or defendant in fuch court, and the court on motion fhall iflue procefs accordingly, which procefs fhall not be ftopped or delayed in its execution, by any order, rule, command, or procefs of any other court, either of law or equity, unless it fhall be made appear on oath to fuch court, that the arbitrators or umpire mifbehaved themfelves, and that fuch award, arbitration or umpirage was procured by corruption, or other undue means.

II. And be it further enacted by the authority aforefaid, That any arbitration or umpirage procured by corruption, or undue means, fhall be judged and efteemed void and of none effect, and accordingly be fet afide by any court of law or equity, fo as complaint of fuch corruption or undue praftice be made in the court where the rule is made for fubmiffion to fuch arbitration or umpirage, before the laft day of the next term after fuch arbitration or umpirage made and publifhed to the parties; any thing in this aét contained to the contrary notwithstanding.

CAP. XVI.

EXP.
1 W. & M. ft. 1.
c. 27.

An aét to execute judgments and decrees faved in a claufe in an aét of the firft year of the reign of King William and Queen Mary, intituled, *An aét for taking away the court holden before the prefident and council of the marches of Wales.*

Courts of Chancery, Exchequer, &c. may iflue forth execution on judgments, &c. given in the prefident's court of the marches of Wales, before 1 June, 1689, &c. and may reverfe or affirm the faid judgments.

CAP.

CAP. XVII.

An act for the better payment of inland bills of exchange.

WHEREAS great damages and other inconveniencies do frequently happen in the course of trade and commerce, by reason of delays of payment and other neglects on inland bills of exchange in this kingdom; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the four and twentieth day of June next, which shall be in the year one thousand six hundred ninety eight, all and every bill or bills of exchange drawn in, or dated at and from, any trading city or town, or any other place in the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, of the sum of five pounds sterling or upwards, upon any person or persons of or in London, or any other trading city, town, or any other place (in which said bill or bills of exchange shall be acknowledged and expressed the said value to be received) and is and shall be drawn payable at a certain number of days, weeks, or months after date thereof, that from and after presentation and acceptance of the said bill or bills of exchange (which acceptance shall be by the underwriting the same under the party's hand so accepting) and after the expiration of three days after the said bill or bills shall become due, the party to whom the said bill or bills are made payable, his servant, agent, or assigns, may and shall cause the said bill or bills to be protested by a notary publick, and in default of such notary publick, by any other substantial person of the city, town, or place, in the presence of two or more credible witnesses, refusal or neglect being first made of due payment of the same; which protest shall be made and written under a fair written copy of the said bill of exchange, in the words or form following:

Bills of exchange drawn in England, &c. of 5 l. or upwards, payable at a certain number of days, &c. after acceptance, and 3 days after it is due, party may protest the same. Further provisions relating hereto 3 & 4 Annæ, c. 9. f. 4. 1 Salk. 131. Mod. Cases in law, 80, 373. 6 Mod. 30.

KNOW all men, that I A. B. on the day of The form of
at the usual place of abode of the said did not pay,
have demanded payment of the bill, of the which the above
is the copy, which the said did not pay,
wherefore I the said do hereby protest the said
bill. Dated this day of

II. Which protest so made, as aforesaid, shall within fourteen days after making thereof, be sent, or otherwise due notice shall be given thereof, to the party from whom the said bill or bills were received, who is, upon producing such protest, to repay the said bill or bills, together with all interest and charges from the day such bill or bills were protested; for which protest shall be paid a sum not exceeding the sum of six pence; and in default or neglect of such protest made and sent, or due notice given within the days before limited, the person so failing to pay, shall be liable to costs.

Bills lost or
miscarried,
drawer to give
another.

ing or neglecting thereof, is and shall be liable to all costs, damages, and interest, which do and shall accrue thereby.

III. Provided nevertheless, That in case any such inland bill or bills of exchange shall happen to be lost or miscarried within the time before limited for payment of the same, then the drawer of the said bill or bills is and shall be obliged to give another bill or bills of the same tenor with those first given, the person or persons to whom they are and shall be so delivered giving security, if demanded, to the said drawer, to indemnify him against all persons whatsoever, in case the said bill or bills of exchange so alledged to be lost or miscarried, shall be found again.

CAP. XVIII.

EXP.

An act for the repairing the highways from the town of Birdlipp, and the top of Crickley hill, in the county of Gloucester, to the city of Gloucester. *For 20 years from 14 June, 1698.*

CAP. XIX.

An act for cleansing and making navigable the channel from the Hithe at Colchester, to Wivenhoe.

Duties to be paid from 1 May, 1698. for 21 years, for all goods landed or shipped from Wivenhoe, or the new Hithe in Colchester. Every bay, say, or perpetuane, a half penny, timber 6 d. per tun, chalk 3 d. per tun, paving stone 6 d. per tun; other stones, tobacco pipe clay, ashes or pantyles 12 d. per tun. Fullers earth or sea coal, 12 d. per chaldier. Oil 3 s. per tun. Wine or brandies 5 s. per tun. All other goods, &c. 2 s. per tun. To be paid before landed, or shipped. *Continued by 5 Geo. 1. c. 31. s. 1. from May, 1719. to May, 1740.* Duties to be paid to collector, and by him to receiver general. Mayor, &c. may assign where the channel shall be enlarged, &c. may cut and dig the land so laid out, &c. Earl of Kent's land not to be cut. Except gravel-pit land, and two pieces called *Forelands*. Nor the lands of Nicholas Corfellis, esq; unless Reed Point. In case of damage mayor and commonalty to repair the same. Soil not to be laid on any person's land without licence. On payment of sum agreed on, such lands to be vested in the mayor and commonalty, &c. Penalty on mayor, &c. not repairing the premises. Mayor, &c. to compound with the owners of lands. Commissioners to mediate between the corporation and owners, and proportion every person's share. On non-agreement, sheriff of Essex to impanel a jury, who are to enquire and assess damages. Commissioners to give judgment thereupon, &c. Such judgment binding, to be kept among the records of the sessions. Mayor, &c. may nominate collector, &c. Mayor of Colchester, and justices of the east division of Essex to be commissioners, and to take account of the receipts and disbursements, &c. No goods to be laded or unladed at any key in Colchester river but at Wivenhoe, and the New Hithe. Giles Sayer's wharf excepted, &c. Goods, &c. unloaden at Wivenhoe, and not carried to Colchester, &c. exempted from duties. The like from Colchester to Wivenhoe. Mayor, &c. may engage the profits of the toll, and grant the same for 21 years, for security for money borrowed, with interest at 6 l. per cent. If before expiration of the term, sufficient money be raised for the uses aforesaid, duties to cease. In case mayor, &c. make new channel through Gravel-pit land, earl of Kent may either have the value thereof, or retain the same.

Made perpetual
by 13 Geo.
2. c. 30.

CAP. XX.

EXP.

An act to naturalize the children of such officers and soldiers and others the natural born subjects of this realm, who have been born abroad during the war, the parents of such children having been in the service of this government.

CAP.

C A P. XXI.

An act for the better preventing the counterfeiting, clipping, and other diminishing the coin of this kingdom.

WHEREAS the preventing the currency of clipped and unlawfully diminished, and counterfeit money, is a more effectual means to preserve the coin of this kingdom intire and pure, than the most rigorous laws for the punishment of such as diminish or counterfeit the same: and whereas by the known laws of this kingdom no person ought to pay, or knowingly tender in payment, any counterfeit or unlawful diminished money, and all persons not only may refuse to receive the same, but may, and by the ancient statutes and ordinances of this kingdom have been required to destroy and deface the same; and more especially the tellers in the receipt of the Exchequer, by their duty and oath of office, are required to receive no money but good and true; and to the end the same might the better be discerned and known, by the ancient course of the said receipt of the Exchequer all money ought to be received there by weight as well as by tale: for the restoring of which course, together with other things, an act was made in the last session of this present parliament, intituled, An act for the better observation of the course anciently used in the receipt of the Exchequer, whereby amongst other things it is enacted, That the respective tellers of the said receipt of the Exchequer, when any money shall be brought to the said receipt of the Exchequer, to be there paid, shall without delay receive it, weighing the same in intire sums or otherwise, and making due entry of the weight and tale thereof, according to the ancient course; but no provision is made in the said act, that the said tellers shall refuse to receive the said money, in case it shall not be of its due weight: and the former and ancient laws being grown into desuetude, whereby unlawfully diminished and counterfeit money receive a currency, and wicked and traitorous persons are encouraged to diminish and counterfeit the same: now to the end the kingdom, after so vast a charge and expence for the reformation of the silver coin, and restoring it to its due weight and purity, may not relapse into the same evil, from which it hath been so lately delivered with great difficulty and hazard, and that counterfeit and unlawfully diminished money, which already begins to increase, may be defaced and destroyed, be it declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That it is and shall be lawful to and for any person, to whom any silver money shall be tendred, any piece or pieces whereof shall be diminished, otherwise than by reasonable wearing, or that by the stamp, impression, colour, or weight thereof, he shall suspect to be counterfeit, to cut, break, or deface such piece or pieces; and if any piece so cut, broken, or defaced, shall appear to be counterfeit, the person tending the same shall bear the loss thereof; but if the same shall be of due weight, and appear to be lawful money, the person that cut, broke, or defaced the same, shall, and is hereby

Stat. de
Monet. parv.
20 Edw. 1.
ft. 5.
19 H. 7. c. 5.

8 & 9 W. 3.
c. 28.

Any person
may cut or
deface diminished or
counterfeit
money.

Person tending
such money to bear
the loss, &c.

Mayor, &c.
to determine
disputes,

hereby required to take and receive the same at the rate it was coined for; and if any question or dispute shall arise, whether the piece so cut be counterfeit, it shall be heard and finally determined by the mayor, bailiff, or bailiffs, or other chief officer of any city or town corporate, where such tender shall be made; and if such tender shall be made out of any city or town corporate, then by the next justice of the peace of the county, inhabiting or being near the place where such tender shall be made; and the said mayor, or other chief officer, and justice of the peace, shall have full power and authority to administer an oath, as he shall see convenient, to any person, for the determining any questions relating to the said piece.

and administer
an oath.

Officers of the
Exchequer,
receivers ge-
neral, &c. re-
quired to cut
such money
so tendred,
&c.

II. And be it further enacted by the authority aforesaid, That the tellers of the receipt of the Exchequer, and their deputies and clerks, and receivers general of every branch of his Majesty's revenue, aids, impositions, duties, and taxes, given or granted, or to be hereafter given or granted, shall and are hereby required, to cut, break, or deface, or cause to be cut, broken, or defaced, every piece of counterfeit, or unlawfully diminished, silver money, that shall be tendred in payment to them to the use of his Majesty, his heirs or successors, or for any part of the revenue, aids, impositions, duties, or taxes of his Majesty, his heirs or successors; and the better to discover silver money that is counterfeit, or unlawfully diminished, from that which is good and true, the tellers and receivers general, and their respective deputies and clerks, shall weigh in whole sums, or otherwise, all silver money by them received; and if the same, or any piece thereof, shall, by the weight or otherwise appear to be counterfeit, or unlawfully diminished, the same shall not be received by or from them in the said receipt of the Exchequer, nor be allowed them upon their respective accounts.

and to weigh
all silver mo-
ney received.

8 & 9 W. 3.
c. 26. conti-
nued.

III. And be it further enacted by the authority aforesaid, That an act made the last session of this present parliament, intituled, *An act for the better preventing the counterfeiting the current coin of this kingdom*, and every article and clause therein contained, shall from henceforth continue and be of force until the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and one, and from thence to the end of the next session of parliament.

C A P. XXII.

An act to repeal an act made in the nine and thirtieth year of the reign of Queen Elizabeth, intituled, An act to restrain the excessive making of malt, and to discharge and vacate orders made by justices of peace by virtue thereof, for restraining malsters from making malt.

8 & 9 W. 3.
c. 22.

WHEREAS by an act made the last sessions of this present parliament, intituled, *An act for granting to his Majesty certain duties upon malt, mum, sweets, cyder, and perry, as well*

well towards carrying on the war against *France*, as for the necessary expence of his Majesty's household, and other occasions, a duty of six pence per bushel was laid upon malt, for a certain time therein limited: And whereas an act was made in the nine and thirtieth year of the reign of *Queen Elizabeth*, intituled, An act to restrain the excessive making of malt, and there hath been some doubt, whether the same act be now in force, by reason the title of the said act was mistaken in the act of parliament whereby it was designed to have been continued; yet nevertheless several justices of peace at their quarter sessions have taken upon them to make orders to suppress and restrain malsters from buying of barley to convert into malt, and from using and exercising the employ of malting by the space of one year, which is a great damage to his Majesty, by lessening the revenue, and a discouragement to malsters: For remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act made in the nine and thirtieth year of the reign of *Queen Elizabeth* be repealed, and all orders made by justices of peace for restraining malsters from making of malt, since the said duty of six pence a bushel was laid upon malt, are hereby vacated and discharged. 39 Eliz. c. 16.
repealed.
Justices orders
vacated.

C A P. XXIII.

*An act for granting to his Majesty a further subsidy of tun- New subsidy.
nage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life.*

WHEREAS your Majesty's most dutiful and loyal subjects the Continued by
1 Geo. 3. ft. 1.
c. 1.
commons of England in parliament assembled, being deeply sensible of the great blessings which, by the goodness of Almighty God, we and all other the subjects of your Majesty's realms and dominions, in the free exercise of the true christian religion (the most valuable benefit which can be bestowed upon any nation or people) as also in our liberties and properties, do fully enjoy under your Majesty's most auspicious government; and being desirous to make a grateful acknowledgment of your Majesty's unparalleled grace and favour to us your commons, and particularly for the great and successful undertakings and achievements, whereby your Majesty hath been the happy instrument of securing the aforesaid blessings to us and our posterities; have therefore freely and unanimously resolved to increase your Majesty's revenue during your Majesty's reign (which God long continue) and do give and grant unto your most excellent Majesty the further rates, duties, and sums of money, herein after mentioned; and do humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by authority of the same, That over and above

VOL. X. L all,

- Additional subsidy of tunnage and poundage, &c. granted for the King's life, viz.
- all subsidies of tunnage and poundage, and over and above all additional duties, impositions, and other duties whatsoever, by any other act or acts of parliament, or otherwise howsoever, already due or payable, or which ought to be paid to his Majesty, for or upon any wines, goods or merchandizes whatsoever, imported or to be imported, there shall be raised, levied, collected, paid, and satisfied unto his Majesty, one other subsidy called *Tunnage*, for and upon all wines, which from and after the last day of *January*, which shall be in the year of our Lord one thousand six hundred ninety nine, at any time or times, during his Majesty's life, shall be imported or brought into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, (that is to say),

French wines imported to London by the King's subjects to pay 4 l. 10 s. per tun, and by aliens 6 l. per tun.
French wines imported into any other ports 3 l. per tun, and by aliens 4 l. 10 s.
Muscadels, malmseys, &c. 45 s. per but or pipe,

and by aliens 3 l. &c.

Rhenish wine, &c. 20 s. per awn.

Wines landed in the out ports, and afterwards brought to London to pay the whole duty due in the port of London.

23 Car. 2. c. 4.

II. Of every tun of wine of the growth of *France*, or of any the dominions of the *French King*, or crown of *France*, that shall come into the port of *London*, and the members thereof, by way of merchandize, by his Majesty's natural born subjects, the sum of four pounds and ten shillings of current *English* money, and so after that rate; and by strangers and aliens six pounds of the like money: And of every tun of the like wine, which shall be brought into all and every the other ports and places of this kingdom, and the dominions thereof, by way of merchandize, by his Majesty's natural born subjects, the sum of three pounds; and by aliens four pounds ten shillings.

III And of every but or pipe of muscadels, malmseys, cutes, tents, alicants, bastards, sacks, canaries, malaga's, madera's, and other wines whatsoever, commonly called *Sweet Wines*, of the growth of the *Levant*, *Spain*, *Portugal*, or any of them, or any the islands or dominions to them or any of them belonging, or elsewhere, that shall come or be brought into the port of *London*, by his Majesty's natural born subjects, the sum of forty five shillings of current *English* money, and so after that rate; and by strangers and aliens three pounds of like money: and of every but and pipe of the like wine, which shall come or be brought into all and every or any the other ports and places of this kingdom and dominions thereof, by way of merchandize, by his Majesty's natural born subjects, the sum of thirty shillings; and by strangers forty five shillings.

IV. And of every awn of rhenish wine, or wine of the growth of *Germany*, that shall be brought into this realm and the dominions thereof, by his Majesty's natural born subjects, the sum of twenty shillings of current *English* money; and by strangers and aliens twenty five shillings: and that such wines that shall be landed in any the out ports, and afterwards brought to the port of *London* by certificate, shall pay so much more subsidy by this act as they paid short of the duty due in the port of *London*. Which several rates for wines are the same which are expressed in a certain book of rates, which was signed by Sir *Harbottle Grimstone*, baronet, formerly speaker of the house of commons, and which is referred to by an act of parliament, made in the twelfth year of the reign of King *Charles* the Second,

cond, intituled, *A subsidy granted to the King of tunnage and poundage and other sums of money payable upon merchandizes exported and imported.* And one further subsidy called *Poundage* (that is to say) of all manner of goods and merchandizes of every merchant, natural born subject, denizen, and alien, to be imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said last day of *January*, one thousand six hundred ninety nine, during his Majesty's life, by way of merchandize, of the value of every twenty shillings of the same goods and merchandizes; according to the several and particular rates and values of the same goods and merchandizes, as the same are particularly and respectively rated and valued in the aforesaid book of rates, twelve pence, and so after that rate; and if there shall happen to be brought into this realm any goods liable to the payment of subsidy by this act granted, which are not particularly rated in the said book of rates, that in every such case every customer or collector for the time being shall levy the subsidy by this act granted, according to the value and price of such goods, to be affirmed upon the oath of the merchant, in the presence of the customer, collector, comptroller, and surveyor, or any two of them: except and foreprized out of this grant of subsidy of poundage, all wines before limited to pay subsidy of tunnage, and all manner of fish *English* taken, and brought by *English* bottoms into this realm, and all manner of fresh fish and beastial that shall come into this realm, and all other goods and merchandizes, which in the said book of rates are mentioned to be custom free, and except and foreprized out of this grant of subsidy of poundage all goods and merchandizes which are commonly used in dying.

V. Provided always, and it is hereby further enacted, That all drugs chargeable by this act, which shall be imported directly from the place of their growth in *English* built shipping, shall be rated to pay by this act one third part of what is charged thereupon in the said book of rates, and no more; and that all spicery, except pepper, which shall be imported directly from the place of its growth in *English* built shipping, shall be rated to pay by this act one third part of what is charged in the said book of rates, and no more; and that this act shall not extend to charge linen imported with the additional duty of one moiety of the rate mentioned in the said book of rates; and that all foreign wrought silks exported within one year from the importation, shall have two thirds of the rate hereby charged repaid at the custom house; and this act shall not extend to charge wrought silks imported with the additional duty of one moiety mentioned in the said book of rates; or to charge tobacco of the *English* plantations with the additional duty of one penny per pound, over and above the subsidy mentioned in the said book of rates; or to charge wines of the growth of *France*, *Germany*, *Portugal*, or *Madeira*, with the additional duty of three pounds per tun, or any other wines with the additional

12 d. per lb. on all goods and merchandize imported.

Goods imported, &c. and not rated in the book of rates, to pay the subsidy, &c.

Fish and dyers goods excepted.

Altered by 10 & 11 W. 3. c. 25. s. 17. as to whale fins, oil and blubber, &c. and by 9 Geo. 1. c. 21. s. 3. as to tobacco.

Drugs and spicery (except pepper) imported, &c. to pay only a third part, &c.

Other sorts of goods and merchandize. See 5 Geo. 1. c. 3. s. 34. and 8 Geo. 1. c. 15. s. 17.

Altered by 12
Annæ, stat. 2.
c. 8.

Allowances
and abate-
ments.

Duties to be
levied by the
officers of the
customs, &c.
and paid into
the Exchequer.

Powers in the
former tun-
nage act 13
Car. 2. c. 4.
and book of
rates, to be in
force, &c.

Subsidy on su-
gars imported,
to be paid back
on exporta-
tion.

duty of four pounds *per* tun, mentioned in the said former acts or book of rates; and that for all tobacco of the *English* plantations, which shall be imported and exported again within one year after such importation, the further subsidy of one penny *per* pound hereby granted, shall be repaid at the custom house.

VI. And be it further enacted by the authority aforesaid, That out of the several subsidies of tunnage and poundage by this act granted, there shall be such and the like allowances and abatements in all cases, as are or were prescribed in the like cases by the said former act, or by the said book of rates, or the rules thereunto annexed, and to be made and allowed under the same restrictions, and in the same manner and form as are therein expressed.

VII. And be it further enacted by the authority aforesaid, That the said several subsidies of tunnage and poundage hereby granted, shall be raised, levied and collected by the respective officers of his Majesty's customs for the time being, under the management and direction of the commissioners of the customs for the time being; and shall be brought and paid, or answered into the receipt of his Majesty's Exchequer, for the purposes in this act mentioned (such additional charge as shall be necessary for the management of this revenue only excepted) and that all and every the clauses, powers, directions, penalties, forfeitures, matters and things whatsoever, contained in the said former act of tunnage and poundage, or in the said book of rates, or the rules thereunto annexed, or in any other laws or statutes whatsoever now in force, for raising, levying, securing, collecting, answering or paying the subsidy of tunnage and poundage thereby granted, shall be applied, practised, and put in execution, for the raising, levying, collecting, answering, and paying the subsidy of tunnage and poundage by this act granted, as fully and effectually to all intents and purposes, as if all and every the said clauses, powers, directions, penalties, forfeitures, matters and things were particularly repeated, and again enacted in the body of this present act.

VIII. Provided always, And be it enacted, That the whole further subsidy laid by this act upon all sugars that shall be imported from the *English* plantations in *America*, shall and may be drawn and paid back at the exportation thereof; any thing in this act contained to the contrary notwithstanding.

IX. And whereas great quantities of brown and muscovado sugars have formerly been refined here in England, and afterwards exported to foreign markets, whereby a great number of people have been employed, and a manufacture carried on very profitable to this kingdom; which trade of refining sugars for exportation will be lost, unless a drawback be allowed, when such sugars are exported, after they are refined here, suitable to the drawback allowed on the exportation of brown and muscovado sugars, by reason foreign nations will be thereby enabled to refine them cheaper abroad than they can be done here at home; be it therefore enacted by the authority aforesaid, That for every hundred weight of sugar refined in

England

England (and so in proportion for a greater or lesser quantity) exported out of this kingdom after the said last day of *January*, which shall be in the year of our Lord one thousand six hundred ninety nine, during the continuance of this act, there shall be repaid at the custom house to the exporter, within one month after demand thereof, the sum of three shillings, oath being first made by the refiner, that the said sugar so exported was produced from brown and muscovado sugar charged by this act, and that, as he verily believes, the same was imported from his Majesty's plantations in *America*, and that, as he verily believes, the duty of the said brown and muscovado sugar was duly paid at the time of the importation thereof, and that the same was duly exported, his Majesty's searcher also certifying the shipping thereof, and all other requisites duly performed, according to the book of rates.

Drawback of 3 s. per 100 wt. on exportation muscovado sugar refined in England, on oath that the same was refined from brown sugar imported from America, &c.

X. And be it enacted by the authority aforesaid, That for the further subsidy hereby granted upon tobacco of the *English* plantations in *America*, the merchant importer shall have three months time from the importation to pay the same, giving security for the payment thereof accordingly; and in case of paying the same sooner than the said three months, the said merchant importer shall be allowed a discount after the rate of ten pounds *per centum per annum* for prompt payment; any thing herein contained to the contrary notwithstanding.

Merchant to have 3 months for paying the subsidy on tobacco, &c. or 10 l. per cent. for prompt payment.

XI. Provided always, That ginger of the *English* plantations in the *West Indies*, which by the said book of rates is valued at sixteen pence a pound, shall pay for the said former subsidy one shilling for every hundred weight, and for the subsidy by this act one shilling for every hundred weight, and after that proportion for a greater or lesser quantity, and no more; any thing in this act or the said former act to the contrary notwithstanding.

Ginger to pay 2 s. per 100 wt.

XII. And whereas great quantities of cut whalebone fit for use are frequently imported in short lengths and small parcels, by means whereof, not only his Majesty is defrauded of the duties laid thereupon, but the merchants importing, and the manufacturers employed in cutting of fin whalebone, are greatly prejudiced and discouraged; be it therefore declared and enacted by the authority aforesaid, That if any person or persons, natives or foreigners, bodies politick or corporate, shall import or bring into this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, any cut whalebone (other than in fins only) he, she or they shall forfeit the goods, and double the value of the cut whalebone so imported, one moiety thereof to his Majesty, his heirs and successors, and the other moiety to him or them that shall seize or sue for the same in any of his Majesty's courts of record, wherein no essoin, protection, or wager of law shall be allowed, nor any more than one imparlance; any thing in this act, or any former law to the contrary in any wise notwithstanding.

Cut whalebone imported other than in fins only, forfeited, and double the value.

By 4 Annæ, c. 12. s. 6. the importer forfeits 30 l. the master of the ship, 50 l.

XIII. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in all cases where any the foreign goods or merchandizes by this act charged with the subsidy

Foreign goods, exported again

in 12 months
after importa-
tion, subsidy
shall be repaid.
*These 12 and
9 months are
enlarged to 3
years by 7 Geo.
1. Stat. 1. C. 21.
c. 19.*

Drawback on
exporting fo-
reign silks,
tobacco, su-
gar, &c.

sidy of tunnage or poundage hereby granted (other than and except foreign wrought silk, tobacco, sugars, and refined sugars, touching which other provisions are hereby made) shall at any time or times be again exported by any merchant *Eng-lish*, within twelve calendarly months, or stranger within nine calendarly months, after the importation thereof, and that due proof be first made by certificate from the proper officers, of the due entry and payment of the subsidy hereby granted, of any such foreign goods, wines, or merchandizes inward, together with the oath of the merchant importing and exporting the same, affirming the truth thereof, and that all other requisites shall be performed, which are by law required to be performed, in cases where the half subsidy is repaid by the said former act, the whole subsidy by this act granted, and which shall have been actually paid for such goods, wines or merchandizes, shall, without any delay or reward, be repaid unto such merchant or merchants who do export the same, within one month after demand thereof; or the security for the said subsidy by this act charged shall be vacated, as to so much as shall be so exported; and that as to the said foreign wrought silks, tobacco, sugars, and refined sugars, no repayment or drawback of or for the subsidy by this act shall be made or allowed for the same, unless they respectively be again exported within the times hereby limited for other goods; and that the like due proof be made, and other requisites performed, for the said silks, tobacco, sugar, and refined sugar, as are hereby directed in the like case for other goods or merchandizes exported; and that upon such exportation of foreign wrought silks, and such due proof made, and other requisites performed for the same, not only the two thirds of the subsidies by this act directed to be repaid for such silks as aforesaid, but also the remaining one third of the same subsidy, shall be entirely repaid at the custom house; any thing herein contained to the contrary notwithstanding.

12 Car. 2. c. 23.

2 W. & M. II. 1.
c. 3.

7 & 8 W. 3.
c. 30.

XIV. *And whereas it is intended, that the yearly sum of seven hundred thousand pounds shall be supplied to his Majesty for the service of his household and family, and for other his necessary expences and occasions, out of the hereditary rates and duties of excise upon beer, ale and other liquors, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and out of the rates and duties of excise upon beer, ale and other liquors, payable for the term of his Majesty's life, by an act of parliament made and passed in the second year of the reign of his Majesty and the late Queen of blessed memory, after all the tallies charged upon the weekly sum of six thousand pounds issuing out of the said several rates and duties of excise, pursuant to an act of parliament passed in the seventh year of his Majesty's reign in that behalf, and still remaining unsatisfied (with the interest thereof) shall be fully paid off and cleared; and out of the revenue of the general letter office or post office, or the office of the postmaster general, after all the tallies charged upon the weekly sum of six hundred pounds, issuing out of that revenue,*
pursuant

purſuant to the ſaid aſt of parliament for the ſeventh year of his Maſteſty's reign, and ſtill remaining unſatisfied, and all the intereſt thereof ſhall be fully paid and diſcharged; and out of the ſmall branches of his Maſteſty's revenues herein after mentioned and expreſſed, that is to ſay, The firſt fruits and tenths of the clergy; the fines for writs of covenant and writs of entry payable in the alienation office; the poſt fines; the revenue of the wine licences; the monies ariſing by ſheriffs proceſſes and compoſitions in the Exchequer, and by the ſeizures of uncuſtomed and prohibited goods; the revenue of the duchy of Cornwall, and any other revenue ariſing by the rents of lands in England or Wales, or for fines of leaſes of the ſame, or any of them; and the duty of four and an half per centum in ſpecie, ariſing in Barbadoes and the Leeward iſlands in America; and out of the monies which from and after the commencement of this aſt ſhall ariſe by the further ſubſidies and duties hereby granted; be it therefore further enacted, and it is hereby enacted and provided by the authority aforeſaid, That if the ſaid great and ſmall branches and revenues herein before mentioned, and out of which the ſaid yearly ſum of ſeven hundred thouſand pounds is intended to be ſupplied as aforeſaid, and every or any of them, ſhall produce in clear money more than the yearly ſum of ſeven hundred thouſand pounds, to be reckoned from the five and twentieth day of December, which ſhall be in the year of our Lord one thouſand ſix hundred ninety nine, that then the overplus of ſuch produce (being more than the ſaid yearly ſum of ſeven hundred thouſand pounds) ſhall not be iſſued, diſpoſed, made uſe of or applied to any uſe or purpoſe, or upon any pretext whatſoever, without the authority of parliament: and that all grants and diſpoſitions whatſoever hereafter to be made of ſuch overplus, or any part thereof, from time to time, without the authority of parliament, ſhall be utterly void and of none effect; and the grantees, or other perſons to whom ſuch grants or diſpoſitions, or any of them, ſhall be made, of ſuch overplus, or any part thereof, ſhall be adjudged incapable in law to take, hold, keep, detain or enjoy the ſame; any law, cuſtom or uſage to the contrary notwithstanding.

If the aforeſaid revenues produce more than 700,000 l. per annum,

Overplus not to be diſpoſed of but by parliament.

Repealed by 12 & 13 W. 3. c. 12. ſ. 4. Grants thereof void, and grantees incapable to enjoy the ſame.

C A P. XXIV.

An aſt for the enlarging the time for purchaſing certain eſtates or intereſts in ſeveral annuities therein mentioned.

Moſt gracious Sovereign,

WHE your Maſteſty's moſt dutiful and loyal ſubjects, the commons in parliament aſſembled, duly conſidering your Maſteſty's extraordinary occaſions for ſupplies of money, do cheerfully and unanimoſly preſent unto your Maſteſty a further aid to ariſe by the contributions herein after mentioned; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon or perſons, natives or foreigners, having

Perſons having or not having annuities

ties for life at
14 l. per cent.
per ann.
6 & 7 W. 3.
c. 5.

may advance
for every 100 l.
&c. 56 l. for
changing the
same into a
certain term
for the residue
of 96 years,
&c. or to take
effect after the
said estate for
life, &c.]

Persons on
payment in-
titled to such
annuities
charged on
the respective
funds, &c.

Powers in the
act 6 & 7 W.
3. c. 5. revived.

or not having any estate for one life, of and in any annuity, purchased or obtained at the rate of one hundred pounds for every fourteen pounds *per annum*, upon the several acts of parliament mentioned in an act made and passed in the parliament which was holden at *Westminster* in the sixth and seventh years of his Majesty's reign (intituled, *An act for enabling such persons as have estates for life in annuities, payable by several former acts therein mentioned, to purchase and obtain further and more certain interests in such annuities, and in default thereof, for admitting other persons to purchase and obtain the same, for raising money for carrying on the war against France*) at any time before the first day of *December*, one thousand six hundred ninety eight, to contribute, advance, and pay into the receipt of his Majesty's Exchequer, so much money, as every or any such annuity, being computed for four years, doth or shall amount unto (that is to say) every such person, having or being intituled to such estate for life, shall or may pay to his Majesty's use, for every one hundred pounds that was paid for the single life in any annuity of fourteen pounds *per annum*, the sum of six and fifty pounds, for changing or converting the same into a certain term, for the residue which shall be then to come of ninety six years, to be reckoned from the five and twentieth day of *January*, one thousand six hundred ninety five, or for an interest in such annuity for the residue of the said term of ninety six years, to take effect after the said estate for life; and every person, not having such estate for life, shall or may contribute, or pay to his Majesty's use, for every hundred pounds that was paid for the single life in any such annuity of fourteen pounds *per annum*, the like sum of six and fifty pounds, for an interest in such annuity, for the residue of the said term of ninety six years, to be charged with and subject to the present estate for life of and in the same annuities respectively, and in the same proportion there shall be paid a rate or consideration for higher or larger annuities; and that all and every the person and persons, so paying the consideration money as aforesaid, shall immediately upon payment of their monies be intituled by this act to such annuity or annuities so to be purchased, and the same shall be charged upon such respective fund or revenue in the said former act mentioned, as if the consideration money, so to be contributed or advanced for the same, had been actually advanced or contributed within the respective times limited by the said former act.

II. And it is hereby further enacted, That all and every the directions, powers, and clauses in the said former act contained, for or concerning the levying of tallies, the making forth of orders, or for making transferences or assignments, or for the apportioning or applying the monies arising by the said funds or revenues, or any of them, or for appointing, settling, or establishing any other matter or thing, for or in relation to the respective annuities thereby purchased or obtained, shall be, and are by force and virtue of this act revived, and shall be duly observed, practised, and put in execution, for and in re-
spect

spect of such annuities as shall be purchased and obtained upon this act, as fully and effectually as if the same powers, directions, and clauses were here again expressed and particularly repeated.

III. And be it further enacted by the authority aforesaid, That all monies which shall come into the receipt of his Majesty's Exchequer of or for the said contributions, for further or more certain estates in the said annuities to be purchased as aforesaid, shall be issued and applied, and the same are hereby appropriated, towards the payment and satisfaction of the off-reckonings of his Majesty's army, for the year one thousand six hundred ninety seven: and that out of the same the persons concerned in clothing of the army for the year aforesaid, be paid so much as is due to them or any of them for such clothing, that is chargeable upon the off-reckonings of the said year.

Monies arising by the said contributions how appropriated.

CAP. XXV.

An act for granting to his Majesty, his heirs and successors, further duties upon stamp vellum, parchment, and paper.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, being desirous to raise such aids and supplies as may be proportionable to your Majesty's great and extraordinary occasions, do humbly present your Majesty with the free gift of the further rates and duties herein after mentioned; and do beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That from and after the first day of *August*, in the year of our Lord one thousand six hundred ninety eight, there shall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick* upon *Tweed*, raised, collected, and paid unto his Majesty, his heirs and successors, for ever, for the several and respective things herein after mentioned, which shall be written or ingrossed at any time or times after the said first day of *August*, one thousand six hundred ninety eight (over and above the rates and duties, and sums of money, now due and payable to his Majesty, or to any person or persons, bodies politick or corporate whatsoever for the same) the several and respective rates, impositions, duties, charges, and sums of money herein after expressed, in manner and form following (that is to say)

9 W. 3. c. 44.
3 Geo. 2. c. 20.
4 Geo. 2. c. 9.

From 1 Aug. 1698. for ever shall be paid to the King, his heirs, &c.

over and above the sums now payable, the duties following, viz.

II. For every skin or piece of vellum or parchment, on which any grants or letters patents under the great seal of *England*, or the seal of the duchy or county palatine of *Lancaster*, of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, bodies politick or corporate, or exemplifications of the same, shall be ingrossed or written (commissions of rebellion in process always excepted) the sum of forty shillings,

Grants or letters patents, &c. 40 s. per skin or piece,

III. For

Pardons, &c.
(except Newgate pardons, &c.) 40 s. per skin.

III. For every skin or piece of vellum, parchment, or sheet of paper, on which any pardon (except the general circuits, and *Newgate*, pardon) of or for any crime or offence, or of any sum of money or forfeiture whatsoever, or on which any warrant of reprieve, or relaxation from any fines, corporal punishments, or other forfeiture, shall be ingrossed or written, the sum of forty shillings.

Grant of money, &c. 40 s. per skin or sheet.

IV. For every skin of vellum or parchment, or sheet of paper, upon which any grant from his Majesty, his heirs or successors, of any sum of money exceeding one hundred pounds, which shall pass the great seal, or privy seal (not directed to the great seal) shall be ingrossed or written, the sum of forty shillings.

Grant of office or employment above 50 l. per ann. 40 s. and of lands in fee, &c. under the great seal, &c. 40 s.

V. For every skin of vellum or parchment, or for every sheet of paper, upon which any grant of any office or employment, which shall be above the value of fifty pounds *per annum*, shall be written or ingrossed, the sum of forty shillings.

VI. For every skin of vellum or parchment, on which any grant of lands in fee, lease for years, or other grant of profit, not herein particularly charged, that shall pass the great seal of *England*, the seal of the Exchequer, the seal of the duchy or county palatine of *Lancaster*, or the privy seal (not directed to the great seal) shall be ingrossed or written, the sum of forty shillings.

Presentation or donation, &c. 40 s.

VII. For every skin or piece of vellum or parchment, or sheet of paper, upon which any presentation or donation which shall pass the great seal of *England*, or upon which any collation to be made by any archbishop, or other bishop, or any presentation or donation to be made by any patron whatsoever, of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, shall be ingrossed or written, the sum of forty shillings; provided such benefice, dignity, or promotion be of the yearly value of ten pounds or above in the King's books.

Dispensation to hold two benefices, 40 s.

VIII. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty from the lord archbishop of *Canterbury*, or the master of the faculties for the time being, shall be ingrossed or written, the sum of forty shillings.

Admittance to fellowship, or attorney, &c. 40 s.

IX. For every skin or piece of vellum or parchment, sheet or piece of paper, upon which admittance of any fellow of the college of physicians, or of any attorney, clerk, advocate, proctor, notary, or other officer or officers in any court whatsoever, shall be ingrossed or written, the sum of forty shillings.

Annual officers in corporations, &c. exempted,

X. Provided, That this act shall not be extended to charge, with the duty last mentioned, any annual officer in any corporation or inferior court, whose office is under the value of ten pounds *per annum*, in salaries, fees, or other perquisites, but the said annual officer is hereby exempted and discharged from the said duty.

Appeal from

XI. For every skin or piece of vellum or parchment, or sheet of

of paper, upon which any appeal from the court of admiralty, the admiralty, arches, or the prerogative courts of *Canterbury* or *York*, shall be ^{ty, arches, &c.} ingrossed or written, the sum of forty shillings. ^{40 s.}

XII. For every skin of vellum or parchment, upon which Exemplification, of what nature soever, that shall pass the ^{tion, s. s.} seal of any court whatsoever, shall be ingrossed or written, the sum of five shillings.

XIII. For every skin of vellum or parchment, or sheet of Decree in paper, upon which any decree or dismissal, made by or in the ^{Chancery, Exchequer, &c.} court of *Chancery*, *Exchequer*, court of the county palatine or duchy of *Lancaster*, courts of the counties palatine of *Chester*, *Durham*, or other court of equity whatsoever, shall be ingrossed or written, the sum of six pence. ^{6 d.}

XIV. For every skin or piece of vellum or parchment, or Institution or sheet of paper, upon which any institution or licence that shall licence under pass the seal of any archbishop or bishop, chancellor, or other ^{bishop's seal, &c. s. s.} ordinary, or any ecclesiastical court whatsoever, shall be ingrossed or written, the sum of five shillings.

XV. For every skin or piece of vellum or parchment, or sheet Writ of error, of paper, upon which any writ of error, *certiorari*, or appeal ^{Certiorari, &c. s. s.} (except to the delegates) shall be ingrossed or written, the sum of five shillings.

XVI. For every skin or piece of vellum, parchment, or *Significavit*, sheet of paper, upon which any *significavit pro corporis delibera-* ^{&c. s. s.} *tione* shall be ingrossed or written, the sum of five shillings.

XVII. For every skin or piece of vellum or parchment, or Sentence in sheet or piece of paper, upon which any sentence that shall be ^{the admiralty, &c. s. s.} given in the court of the lord high admiral of *England*, or the cinque ports exercising admiralty jurisdiction, or upon any attachment that shall be made out of any of the said courts of admiralty, or any relaxation of any such attachment, shall be ingrossed or written, the sum of five shillings.

XVIII. For every skin or piece of vellum or parchment, or Letters of sheet or piece of paper, upon which any letters of mart shall be ^{mart, s. s.} ingrossed or written, the sum of five shillings.

XIX. For every skin or piece of vellum or parchment, or Probates of piece of paper, upon which any probate of a will, or letters of wills, administration, for any estate above the value of twenty pounds, ^{strations, &c. s. s.} shall be ingrossed or written, the sum of five shillings.

XX. For every skin or piece of vellum or parchment, sheet Recogni- or piece of paper, upon which any recognizance, statute staple, ^{zance, statute or statute merchant, shall be ingrossed or written, or entred of staple, &c. s. s.} record in any court or office, the sum of five shillings.

XXI. For any skin or piece of vellum or parchment, upon *Nisi prius* or which any record of *Nisi prius* or *Postea* shall be ingrossed or ^{Postea, 2 s. 6 d.} written, the sum of two shillings and six pence.

XXII. For every skin or piece of vellum or parchment, or Judgment & paper, upon which shall be ingrossed or written any judgment ^{d. d.} whatsoever, which shall be signed by the master of any office, or his deputy or secondary, or by any prothonotary or his secondary, deputy or clerk, or any other officer belonging to any of ^{the}

the courts at *Westminster*, who have power, or usually doth or shall sign judgments, the sum of two shillings and six pence.

Ecclesiastical
commission,
&c. 2 s. 6 d.

XXIII. For every skin or piece of vellum or parchment, or sheet of paper, upon which any commission issuing out of any ecclesiastical court, not herein otherwise particularly charged, shall be ingrossed or written, the sum of two shillings and six pence.

Admiralty or
Cinque Ports
warrant or de-
cree, or bene-
ficial warrant,
&c. 2 s. 6 d.

XXIV. For every skin or piece of vellum or parchment, or sheet of paper, upon which any warrant, monition, or personal decree, in any court of admiralty, or the cinque ports, shall be ingrossed or written, or upon which any beneficial warrant or order under the sign manual of his Majesty, his heirs or successors (except warrants or orders for the service of the navy, army, and ordnance) shall be ingrossed or written, the sum of two shillings and six pence.

Special bail or
appearance,
1 s.

XXV. For every piece of vellum, parchment or paper upon which any special bail to be taken in any of the courts at *Westminster*, or before any of the judges of the said courts, or in any other court whatsoever, shall be ingrossed or written, and for every piece of vellum, parchment or paper, upon which shall be ingrossed or written any appearance upon such special bail, the sum of one shilling.

Bill, answer,
replication,
&c. 1 s.

XXVI. For every skin or piece of vellum or parchment, upon which shall be ingrossed or written any bill, answer, replication, rejoinder, interrogatories, depositions taken by commission, or any other pleadings whatsoever, in the courts of *Chancery*, *Exchequer*, duchy court, and county palatine courts, or other courts of equity, the sum of one shilling.

Admission, &c.
1 s.

XXVII. For every skin or piece of vellum or parchment, and for every sheet or piece of paper, upon which any admission into any corporation or company, or any matriculation in either of the two universities, or any admission into any of the inns of court, or inns of chancery, shall be ingrossed or written, the sum of one shilling.

Affidavit 6 d.
Exception.

XXVIII. For every piece of parchment or paper, upon which any affidavit shall be ingrossed or written (except affidavits taken pursuant to several acts made in the thirtieth and two and thirtieth years of the reign of King *Charles* the Second, for burying in woollen; and except such affidavits as shall be taken before the officers of the customs, or any justice or justices of the peace, or before any commissioners appointed or to be appointed by any act of parliament for the assessing and levying any aids or duties granted or to be granted to his Majesty, his heirs or successors, and which affidavits shall be taken by the said officers of the customs, justices or commissioners, by virtue of their authority as justices of the peace or commissioners respectively, and not otherwise) the sum of six pence,

Copy of affida-
vit filed, &c.
6 d.

XXIX. For every piece of parchment or paper, upon which any copy of such affidavit, as is herein before charged, that shall be filed or read in any court whatsoever, shall be ingrossed or written, the sum of six pence.

XXX. And

XXX. For every skin or piece of vellum or parchment, Indenture, or sheet of paper, upon which shall be written or ingrossed any lease, &c. 6 d. indenture, lease, or deed poll, not hereby otherwise charged, the sum of six pence; except indentures for binding poor parish children apprentices. Exception.

XXXI. For every piece of vellum or parchment, or piece of paper, upon which any original writ (except such original on which a writ of *Capias* issues) *Subpœna*, bill of *Middlesex*, *Lati- Original writ, Subpœna, &c. 6 d.* *tat*, writ of *Capias*, *Quo Minus*, writ of *Dedimus Potestatem* to take answers, examine witnesses, or appoint guardians, or any other writ whatsoever, or any other process or mandate that shall issue out or pass the seals of any the courts at *Westminster*, courts of the great sessions in *Wales*, courts in counties palatine, or any other court whatsoever, holding plea where the debt or damage doth amount to forty shillings or above, or the thing in demand is of that value, shall be ingrossed or written (writs of covenant for levying fines, writs of entry for suffering common recoveries, and writs of *Habeas Corpus* always excepted) the sum of six pence.

XXXII. For every piece of vellum, parchment or paper, upon which any entry of any action in the mayor's and sheriffs courts of *London*, and in courts in all corporations, and other courts whatsoever, out of which no writs, process or mandates issue, holding plea, where the debt or damage doth amount to forty shillings or above, shall be ingrossed or written, the sum of six pence. Entry of action in mayors court, &c. 6 d.

XXXIII. For every piece of vellum, parchment or paper, upon which any common bail to be filed in any court whatsoever, and upon which any appearance that shall be made upon such bail shall be ingrossed or written, the sum of six pence: which appearance or common bail the defendant shall cause to be entred or filed within eight days after the day upon which the process on which the defendant is arrested shall be returnable, upon penalty of five pounds to be paid to the plaintiff, for which the court shall immediately award judgment, whereupon the plaintiff may take out execution. Common bail or appearance, 6 d.

XXXIV. For every piece of vellum, parchment or paper, upon which any rule or order made or given in any the courts at *Westminster*, either courts at law or equity, shall be ingrossed or written, the sum of six pence. Rule of court, 6 d.

XXXV. For every piece of vellum, parchment or paper, upon which any copy of such rules or orders entred, or the copies of any other records or proceedings in any of the said courts at *Westminster*, not hereby otherwise charged, shall be ingrossed or written, the sum of six pence. Copy, 6 d.

XXXVI. For every skin or piece of vellum or parchment, or sheet of paper, upon which shall be ingrossed or written any citation or monition made in any ecclesiastical court, or any libel or allegation, deposition, answer, sentence or final decree, or any inventory exhibited in any ecclesiastical court, the courts of admiralty, or cinque ports, or whereupon any copies of them shall be ingrossed or written, the sum of six pence. Ecclesiastical monition, libel, &c. 6 d. Copy, &c. 6 d. respec-

Charter party,
policy of assurance,
Ac. 6 d.

respectively shall be ingrossed or written, the sum of six pence.
XXXVII. For every skin or piece of vellum or parchment, or sheet of paper, upon which any charter party, policy of assurance, passport, bond, release, contract or other obligatory instrument, or any protest, procuration, letter of attorney, or any other notarial act whatsoever, shall be ingrossed or written, the sum of six pence.

Declaration,
plea, &c. 1 d.

XXXVIII. For every skin or piece of vellum or parchment, or sheet of paper, upon which any declaration, plea, replication, rejoinder, demurrer or other pleadings whatsoever, in any court of law, shall be ingrossed or written, the sum of one penny.

Copy, 1 d.

XXXIX. And for every skin or piece of vellum or parchment, upon which any copy thereof shall be written or ingrossed, the sum of one penny.

Depositions in
Chancery, &c.
1 d.
Exceptions.

XL. For every skin or piece of vellum or parchment, or sheet of paper, upon which any depositions taken in the court of Chancery, or other court of equity (except the paper draughts of depositions, taken by virtue of any commission, before they are ingrossed (which are not herein before charged, or upon which any copy of any bill, answer, plea, demurrer, replication, rejoinder, interrogatories, depositions or other proceedings whatsoever, in any court of equity, shall be ingrossed or written, the sum of one penny.

Copy of will,
1 d.

XLI. For every skin or piece of vellum or parchment, or sheet of paper, upon which a copy of any will shall be ingrossed or written, the sum of one penny.

Officer to date
writ of arrest;

XLII. And for preventing abuses committed by arresting persons without any writ or legal process to justify the same, by means whereof the duty hereby given for ever to the crown upon such process will be lost; be it enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand six hundred ninety eight, every officer or clerk belonging, or which shall hereafter belong, to the court of *King's Bench*, *Common Pleas* or *Exchequer*, who shall sign any writ or process before judgment, to arrest any person or persons thereupon, shall, at the signing thereof, set down upon such writ or process, the day and year of his signing the same, which shall be entered upon the remembrance, or in the book where the abstract of such writ or process shall be entered; upon pain to forfeit the sum of ten pounds for every offence or neglect of such officer or clerk aforesaid, to be recovered by any person who shall sue for the same, in any court of record of his Majesty, his heirs or successors, by action of debt, bill, plaint or information, wherein no wager of law, protection or essoin, or more than one imparlance shall be allowed.

and enter the
same.
Penalty on of-
ficer neglect-
ing.

By 6 Geo. 1.
c. 21. s. 54.
Warrants on writs are to have the same year and day set down as on the writ.

Particulars not
to be charged.

XLIII. Provided always, That this act or any thing therein contained shall not extend to charge with the said duties, or any of them, any bills of exchange, accounts, bills of parcel, bills of fees, or any bills or notes (not sealed) for payment of any money at sight, or upon demand, or at the end of certain days of payment.

XLIV. Pro-

XLIV. Provided, That nothing in this act contained shall extend to charge with the said duties, or any of them, the probate of any will, or letters of administration, of any common seaman or soldier, who shall be slain or die in the service of his Majesty, his heirs or successors, a certificate being produced from the captain of the ship or vessel, or captain of the troop or company, under whom such seaman or soldier served at the time of his death, and oath made of the truth thereof, before the proper judge or officer, by whom such probate or administration ought to be granted; which oath such judge or officer is hereby authorized and required to administer, and for which no fee or reward shall be taken.

XLV. Provided also, That this act, or any clause therein contained, shall not be construed to charge with any duty, any warrant made by, or recognizance taken before, any justice or justices of the peace, or any surrender of any copyhold estate, or copies of such estate, or any proceedings of any court martial, which relate to any trial of any common soldier; or any orders, decrees or proceedings before any commissioners of sewers, or in the court of stannaries; but such warrants, recognizances, surrenders, copies, orders, decrees and proceedings, shall and are hereby declared to be exempted from the payment of any of the duties before mentioned in this act.

XLVI. Provided also, and it is hereby enacted and declared by the authority aforesaid, That the officers at sea shall by this act pay the same duty for their stamps that the officers of the army at land pay by this act, and no more upon the same act only; any thing herein contained to the contrary notwithstanding.

Sea officers to pay the same duty as land officers.

XLVII. And it is hereby declared, That all the duties by this act granted to his Majesty, his heirs and successors, shall nevertheless be subject and liable to such condition and power of redemption by parliament, as by any act of this session is or shall be declared and provided.

Duties re-deemable by parliament.

XLVIII. And be it further enacted by the authority aforesaid, That for the better and more effectual levying, collecting and paying unto his Majesty, his heirs and successors, the several and respective duties hereby granted for or upon stamped vellum, parchment and paper, it shall and may be lawful for his Majesty, his heirs and successors, and to and for the commissioners of the treasury, or any three or more of them, or the high treasurer of *England* for the time being, from time to time to nominate and appoint such persons as they shall think fit, to be commissioners, or officers for the stamping and marking of parchment, vellum and paper, and managing the duties thereupon, pursuant to this act; and that the commissioners so to be appointed, shall keep their head office in some convenient place within the cities of *London* or *Westminster*; and such commissioners, or the major part of them, are hereby impowered, under their hands and seals, to appoint such other inferior officers for the marking or stamping of vellum, parchment and paper, or for the better collecting or levying the duties hereby granted

Commissioners to be appointed, &c. Head office to be kept in London or Westminster. Inferior officers.

granted to his Majesty, his heirs and successors, as they in their discretion shall think fit; and the same commissioners shall provide from time to time marks or stamps proper for the marking and stamping of vellum, parchment and paper, according to which marks or stamps the King's duties ought to be paid.

5 & 6 W. & M.

C. 21.

8 & 9 W. 3.

C. 20. S. 12.

XLIX. *And whereas such or the like duties as are by this act charged for ever upon the several skins, sheets or pieces of vellum, parchment and paper, herein before enumerated or mentioned, are also charged upon and payable for the same respectively, until the first day of August, one thousand seven hundred and six, by several former acts of parliament in that behalf; so that in effect the duties (as to skins, sheets or pieces of vellum, parchment and paper in this act before particularly expressed) are doubled until the said first day of August, one thousand seven hundred and six, but the said duties by the said former acts, and those by this thereupon, are appropriated or applicable to different purposes, so that it is necessary to have distinct accounts kept of the same: now for the better securing his Majesty's dues, and for distinguishing of such skins, sheets or pieces of vellum, parchment and paper as are doubly charged as aforesaid, from those which remain liable only to the single duties on the said former acts; and to the intent that the said duties arising upon this and the said former acts, upon vellum, parchment, and paper, may be issued and applied to the respective uses to which they are severally appropriated or intended; be it further enacted by the authority aforesaid, That all vellum, parchment, and paper, herein before charged, and whereof the duties are hereby intended to be doubled for a time, as aforesaid, shall, before any of the matters or things herein before mentioned to be thereupon ingrossed or written (such writing or ingrossing being after the said first day of August, one thousand six hundred ninety eight, and before the said first day of August, one thousand seven hundred and six) be first brought to the head office for the said duties, to be stamped and marked with two marks or impressions (that is to say) every such skin, sheet, or piece of vellum, parchment, and paper, having one mark or stamp set thereupon, pursuant to the said former acts, or any of them, before the writing or ingrossing any of the matters or things as aforesaid thereupon, shall be brought to the said office, to be stamped with a second mark or impression of the same kind; and every skin, sheet, or piece of vellum, parchment, or paper, having not been stamped or marked with a single stamp or mark, pursuant to the said former acts, or any of them, shall, before the writing or ingrossing any of the matters or things as aforesaid thereupon, till the said first day of August, one thousand seven hundred and six, be brought to the said office, to receive two several marks or impressions of the same kind; of all which double marks or impressions the one shall denote the duty by the said former acts, or some of them, and the other the duty by this present act thereupon: except such skins, sheets, or pieces of vellum, parchment, and paper, which do still remain liable only to the single duties on the said former acts, during the terms thereby granted,*

After 1 August, 1698.
every skin of vellum, parchment, or sheet of paper, &c. to be stamped with two marks.
Vellum, &c. once stamped, to be stamped with a second mark.

Except such as are liable only

ed, and are to have only a single mark or stamp, according to the directions of the said former acts, namely, to single duty, viz.

L. Every skin or piece of vellum, parchment, or sheet of Circuit or paper, upon which any general circuit or *Newgate* pardon shall be ingrossed or written, liable only to the single duty of forty shillings by the said former acts.

LI. Every skin or piece of vellum, or parchment, or sheet, or piece of paper, upon which any register, entry, testimonial, or certificate of any degree, taken in either of the two universities, or four inns of court, shall be ingrossed or written (the register or entry of the degree of any batchelor of arts being always excepted) for which skins, pieces, or sheets respectively, a duty of forty shillings is payable by the said former acts only, during the continuance thereof.

LII. Every skin or piece of vellum or parchment, or sheet of paper, upon which any conveyance, surrender of grants or offices, release, or other deed whatsoever, shall be inrolled of record in any of the courts at *Westminster*, or in any other court of record whatsoever, or by any *Custos Rotulorum*, or clerk of the peace, shall be ingrossed or written, whereof the duty payable, as aforesaid, by the said former acts, is five shillings.

LIII. Every skin or piece of vellum, parchment, or sheet, or piece of paper, upon which any licence for, or certificate of marriage, shall be ingrossed or written, which are to be liable only to a duty of five shillings by the said former acts.

LIV. Every piece of vellum or parchment, upon which any writ of covenant for levying of fines shall be ingrossed or written, whereof the duty remaining upon the said former acts is five shillings.

LV. Every piece of vellum or parchment, upon which any writ of entry, for suffering a common recovery, shall be ingrossed or written, which is subject to the like single duty of five shillings.

LVI. Every skin or piece of vellum or parchment, or sheet of paper, upon which any writ of *Habeas Corpus* shall be ingrossed or written, which is also liable to the single duty of five shillings.

LVII. All which matters and things, so liable only to the said single duties, until the said first day of *August*, one thousand seven hundred and six, shall be marked and stamped only with a single mark or stamp, according to the said former acts; any thing herein contained to the contrary notwithstanding.

LVIII. And it is hereby further enacted by the authority aforesaid, That all vellum, parchment, and paper, herein before charged, shall before any of the matters or things herein before mentioned be thereupon ingrossed or written (such writing or ingrossing being after the last day of *July*, one thousand seven hundred and six) be first brought to the head office for the said duties to be stamped and marked with one mark or impression for the respective duties by this act payable to his Majesty, his heirs and successors, for ever.

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LXI. And

Commissioners required to stamp all vellum, &c. paying the duties.

Stamp a discharge for payment.

Penalty on person ingrossing vellum before stamped, &c.

or marked with a lower duty.

Penalty on officer in any publick office guilty of such fraud.

LIX. And it is hereby further enacted, That the chief commissioners for the said duties upon vellum, parchment, and paper, by themselves, or by their officers employed under them, shall, and they are hereby impowered and required forthwith, upon demand to them made by any person or persons, from time to time, to stamp or mark, as this act directs, any quantities or parcels of vellum, parchment, or paper, he or they paying to such officer or officers, as shall be appointed in that behalf, the respective duties payable to his Majesty, his heirs or successors for the same, without any other fee or reward, and without delay; which stamp or mark shall be a sufficient discharge for the several and respective duties by this act payable for the said vellum, parchment, or paper, which shall be so stamped or marked; and if any person or persons shall ingross or write, or cause to be ingrossed or written, upon any vellum, parchment, or paper, any of the matters or things for which the said vellum, parchment, or paper ought to have a double or single stamp or mark, as aforesaid, before such time as the said vellum, parchment, or paper shall be marked or stamped with such double or single mark or stamp (as the case requires) or upon which there shall not be some double or single marks or stamps (as the case shall require) resembling the same, or shall ingross or write, or cause to be ingrossed or written, any matter or thing, upon any vellum, parchment, or paper, that shall be marked or stamped for any lower duty or duties, than the duty or duties by this and the said former acts, or either of them, payable for what shall be so ingrossed or written, such person so offending shall for every such offence forfeit the sum of ten pounds (besides costs of suit) one moiety of which penalty of ten pounds shall be to the King, and the other moiety thereof to him or them that will inform or sue for the same, in any court of record, by action of debt, or of the case, bill, plaint, or information, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed; and in case any clerk, officer, or person, who in respect of any publick office or employment is or shall be intitled or intrusted to make, ingross, or write any records, deeds, instruments, or writings, charged to pay a duty or duties, as aforesaid, shall be guilty of any fraud or practice to deceive his Majesty, his heirs or successors, of any duty by this or any of the said former acts payable, by making, ingrossing, or writing any such record, deed, instrument, or writing, or causing the same to be made, ingrossed, or written, upon vellum, parchment, or paper, not marked or stamped according to this act, or upon which there shall not be some stamp or stamps resembling the same, or upon vellum, parchment, or paper, marked or stamped with any mark or stamp which he shall know to be counterfeited, or by ingrossing or writing any such deed, instrument or other writing, upon vellum, parchment, or paper, that shall be marked or stamped for a lower duty, as aforesaid; that then every such clerk, officer, or person, so guilty of any such fraud or practice, and being thereof lawfully

by

ly convicted, shall (over and above the penalty aforesaid) forfeit his office, place, or employment respectively, and be disabled to hold or enjoy the same for the future; and if any attorney belonging to any court whatsoever, shall be guilty of any such fraud or practice, as aforesaid, and be convicted thereof, he shall be disabled for the future to practise as an attorney: and if any deed, instrument, or writing whatsoever, by this act intended to be stamped, as aforesaid, shall, contrary to the true intent and meaning thereof, be written or ingrossed by any person or persons whatsoever (not being a known clerk or officer, who in respect of any publick office or employment is or shall be intitled to the making, writing, or ingrossing the same) upon vellum, parchment, or paper, not marked or stamped, or not doubly stamped (as the case may require) according to this act, or upon vellum, parchment, or paper, marked or stamped for a lower duty, as aforesaid; that then and in every such case, there shall be due, answered, and paid to his Majesty, his heirs or successors, (over and above the duty aforesaid) for every such deed, instrument, or writing, the sum of ten pounds; and that no such record, deed, instrument, or writing, shall be pleaded or given in evidence in any court, or admitted in any court to be good, useful, or available in law or equity, until as well the said duty, as the said sum of ten pounds, shall be first paid to the use of his Majesty, his heirs or successors, and a receipt produced for the same, under the hand or hands of some of the officers which shall be appointed to receive the duties above mentioned, and until the vellum, parchment, or paper, on which such deed, instrument, or writing, shall be written or made, shall be marked or stamped with a lawful mark or stamp, or with double marks or stamps, according to this act; and the proper officer and officers are hereby enjoined and required, upon payment or tender of the said duty, and the sum of ten pounds unto him or them, to give a receipt for the same, and to mark or stamp, or double mark or stamp, the said vellum, parchment, or paper, with the mark or stamp that shall be proper for such deed, instrument, or writing respectively. And if any person or persons whatsoever shall, at any time or times hereafter, counterfeit or forge any stamp or mark to resemble any stamp or mark which shall be provided, made, or used in pursuance of this act, or shall counterfeit or resemble the impression of the same, upon any vellum, parchment, or paper, thereby to defraud his Majesty, his heirs or successors, of any the said duties upon vellum, parchment, or paper, or shall utter, vend, or sell any vellum, parchment, or paper, with such counterfeit mark or marks thereupon, knowing such mark or marks to be counterfeit; then every such person so offending, being thereof convicted in due form of law, shall be judged a felon, and shall suffer death, as in cases of felony, without the benefit of clergy.

LX. And be it further enacted by the authority aforesaid, That the commissioners for the said duties on vellum, parchment, and paper, from time to time, shall and may appoint a

Penalty on any other person, &c.
No such record, deed, &c. good in law, until duty and penalty be paid,

and deed stamped, &c.

Person counterfeiting stamp, &c. guilty of felony, &c.
Explained by 6 Geo. 1. c.21. s. 60.

Commissioners may appoint a fit person to attend

in any court or office to take notice of the stamps, &c. Judges to make orders, &c.

Commissioners and officers to take the following oath.

fit person to attend in any court or office, to take notice of the vellum, parchment, or paper, upon which any the matters or things aforefaid shall be ingrossed, written, or put, and of the marks or stamps thereupon, and of all other matters and things tending to secure the said duties; and that the judges in the several courts, and such others to whom it may appertain, at the request or requests of such commissioners, or of any two or more of them, shall make such orders in the respective courts, and do such other matters and things, for the better securing the said duties under their charge, as shall be lawfully and reasonably desired in that behalf; and that every person who shall be commissioned, as aforefaid, and every person to be employed by or under them, for the marking or stamping of vellum, parchment, or paper, as aforefaid, before his acting in the marking or stamping of the said vellum, parchment, or paper, shall take the oath following; that is to say,

I A. B. do swear, That I will faithfully execute the trust reposed in me, pursuant to the act of parliament for the further or additional duties upon stamped vellum, parchment, and paper, without fraud or concealment, and shall from time to time true account make of my doings, and deliver the same to such person or persons as his Majesty, his heirs or successors, shall appoint to receive such account, and shall take no fee, reward or profit, for the execution or performance of the said trust, or the business relating thereunto, from any persons, other than such as shall be paid or allowed by his Majesty, his heirs or successors, or by the commissioners of his Majesty's treasury, or any three or more of them now being, or by the treasurer of the Exchequer, or three or more of the commissioners of the treasury for the time being.

Oath how to be administered.

LXI. Which oath shall and may be administered to such commissioner or commissioners, by any three or more of the same commissioners, which shall be appointed as aforefaid; and any of the said commissioners shall and may administer the like oath (*mutatis mutandis*) to such sub-commissioners, or other persons, which shall be employed under them in the said business of marking or stamping.

Commissioners, &c. to observe the directions of the treasury,

LXII. And be it enacted, That the chief commissioners or officers so to be appointed, and all sub-commissioners and officers to be employed or intrusted by or under them as aforefaid, in relation to the said duties on parchment, vellum and paper, shall from time to time, in and for the better execution of their several places and trusts, observe and perform such rules, methods and orders as they respectively shall, from time to time receive from the said commissioners of the treasury, now being, or from the treasurer of the Exchequer, or the commissioners of the treasury for the time being, or any three or more of them; and that the chief commissioners so to be appointed, shall take especial care, that the several parts of this kingdom, and the dominion of *Wales*, and town of *Berwick upon Tweed*, shall from time to time be sufficiently furnished with vellum, parchment and

and furnish the several parts of the kingdom with

and paper, stamped and marked as aforesaid, so as the subjects of his Majesty, his heirs and successors, may have it in their election to buy the same of the officers or persons to be employed by the said commissioners, at the usual or most common rates above the said duty, or to bring their own vellum, parchment or paper to be stamped, as aforesaid, or to furnish themselves or others that shall have done the same.

LXIII. Provided always, and it is hereby further enacted, That none of the rates, impositions, or sums of money, upon vellum, parchment or paper, before in this act expressed, shall be raised, levied, collected or paid or payable unto his Majesty, his heirs or successors, by virtue of this act, by any person or persons that shall be admitted to sue or defend in *forma pauperis*.

LXIV. And to the end his Majesty, his heirs or successors, may not be defrauded of any of the said duties upon vellum, parchment and paper; be it enacted, That all records, writs, pleadings or other proceedings in courts of law and equity, and all deeds, instruments and writings whatsoever, hereby charged, shall be ingrossed and written in such manner as they have been usually accustomed to be written and are now written.

LXV. Provided always, and be it further enacted, That often as his Majesty, his heirs or successors, shall think fit to alter or renew the said marks or stamps, or any of them, it shall be lawful for all persons who shall at that time have in their custody or possession any vellum, parchment or paper, marked with the stamp or stamps, which shall be so altered or renewed, and upon which none of the matters or things hereby charged shall be ingrossed or written, at any time within the space of sixty days after such intention of renewing or altering shall be published by proclamation, to bring or send such vellum, parchment or paper, unto the said commissioners, to the head office in *London* or *Westminster*, or to such other officers as shall be appointed in that behalf; and the said commissioners and officers respectively, are hereby required to deliver, or cause to be delivered, unto the several persons who shall so bring and deliver any quantity of vellum, parchment or paper, the like quantity of vellum, parchment or paper, and as good in quality, stamped with such new stamp or stamps, without demanding or taking, directly or indirectly for the same any sum of money or other consideration whatsoever, under the penalty of forfeiture for every offence one hundred pounds, to be sued for, recovered and divided in such manner as the other penalties in this act, relating to the duties of vellum, parchment and paper, are directed to be sued for, recovered and divided: and in case any person shall neglect or refuse within the time aforesaid, to bring or cause to be brought unto the said commissioners or officers as aforesaid, any such vellum, parchment or paper, the same is hereby declared to be of no other effect or use, than if it had never been stamped; and that all matters or things which shall after that time be ingrossed or written thereon, shall be of no other effect, than if they had been ingrossed or written on vellum,

stamped vellum, &c.

Person suing in *forma pauperis*, not to pay duty.

All records, writs, &c. to be ingrossed as usual.

In case the stamps be altered, persons having stamped vellum, &c. by them not ingrossed, in 60 days after proclamation, may bring the same to the head office in London, and commissioners to deliver them the like quantity new stamped, &c. without fee.

Penalty.

Stamped vellum, &c. not brought within the time declared useless.

Matters ingrossed thereon to be of no effect.

lun, parchment or paper not marked or stamped at all; and all persons who shall ingross or write any the matters or things hereby charged on such vellum, parchment or paper after the said time, shall forfeit and suffer as herein before is enacted for persons writing or ingrossing on vellum, parchment or paper, not marked or stamped.

Commissioners salaries, &c. and incident charges, to be paid out of the duties.

LXVI. Provided always, and be it enacted, That it shall and may be lawful to and for his Majesty, his heirs and successors, or to or for the commissioners of the treasury, or any three or more of them, or the treasurer of the Exchequer for the time being, out of the duties arising by this act, for or upon stamped vellum, parchment or paper, to cause such sum and sums of money to be expended and paid from time to time, for salaries and other incident charges, as shall be necessary in and for the receiving, collecting, levying or managing of the same duties by this act granted; any thing in this act contained to the contrary notwithstanding.

Proclamation for altering the stamps to be sent to the mayor, &c. of every corporation, &c.

LXVII. Provided always, and be it further enacted, That as often as his Majesty, his heirs or successors, shall think fit to alter the said stamps or any of them, that the proclamation, which is hereby intended to be made for giving to all persons due notice thereof, shall within twenty days after the date thereof, be sent to the mayor, chief magistrate or other head officer of every city, corporation, borough and market town, throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*; which officers respectively shall cause the same to be published to the inhabitants of such city, corporation or town, either on the next market day, or next *Sunday* in the church immediately after the time of divine service, upon pain of forfeiting the sum of two hundred pounds, to be sued for by action of debt, bill, plaint or information, in any court of record at *Westminster*, wherein no esoin, protection, wager of law, privilege, nor more than one imparlance, shall be granted or allowed; the one moiety of which forfeiture to be to his Majesty, the other moiety to such person who shall sue for the same.

Who shall cause the same to be published, &c. Under penalty.

Treasury once a year to set the prices on stamped vellum, &c.

LXVIII. And for the better distribution of the said vellum, parchment and paper, and that the subjects may have the same with more conveniency and at an easy rate; be it enacted by the authority aforesaid, That the lord high treasurer of *England*, or commissioners of his Majesty's treasury for the time being, shall once in every year, at least, set the prices of all sorts of stamped vellum, parchment and paper, that it shall be sold at; and that the said commissioners for the said duties upon vellum, parchment, and paper, shall stamp the said price so set, upon every skin or piece of vellum or parchment, or sheet or piece of paper, so by them to be sold; and that the said commissioners shall likewise allow and pay to every person who shall bring vellum, parchment or paper to be stamped (the duty whereof shall amount to the sum of ten pounds or upwards) after the rate of six pounds in the hundred pounds *per annum* for three months,

The price to be stamped thereon.

months, upon present payment of the said duty upon the said vellum, parchment and paper, so by them brought, over and above the like allowance upon the same quantity by the said former acts; and that any persons that shall buy of the said commissioners or their agents, vellum, parchment or paper, the duty whereof amounts to the like sum of ten pounds or upwards, shall have the same allowance.

LXIX. Provided always, That nothing in this act contained shall extend to charge any letters patents for collecting charitable benevolence, commonly called *Briefs*, with the duty therein mentioned, or to make it necessary that such briefs should be doubly stamped, any thing herein contained to the contrary in any wise notwithstanding.

Briefs not charged.
Charged with annuities by 4 Geo. 2. c. 9.

C A P. XXVI.

An act to settle the trade to Africa.

WHEREAS the trade to Africa is highly beneficial and advantageous to this kingdom, and to the plantations and colonies thereunto belonging: and whereas forts and castles are undoubtedly necessary for the preservation and well carrying on the said trade: and whereas the forts and castles now on the said coast of Africa have been, and now are, maintained at the sole cost and charge of the present royal African company of England: towards which charge it is most reasonable that all persons trading to such parts of the said coast of Africa, as are herein after limited and appointed, should contribute; be it therefore enacted, &c.

Royal African company shall maintain, &c. all their forts, castles, &c. and supply the same with men, artillery, &c. King's subjects as well as the said company may trade to Africa, between Cape Mount and the Cape of Good Hope, paying 10l. per cent. &c. Master, &c. shall enter his name and ship, &c. 15 days before cleared from port. Owner or exporter to make entry of goods shipped on oath, sign the entry, and pay the duty, &c. Master, &c. to take an oath. On exportation of merchandizes from the colonies, &c. in America to Africa, exporter to swear that such merchandize was imported there from England. Master and one of the owners to give bond, &c. for ships sailing to Africa, &c. Officers of the custom house to take such bonds, and keep distinct entries, &c. Company to have a duplicate of such entries, &c. Officer to pay the sum received deducting 5l. per cent. Subjects of England may trade to Africa between Cape Blanco and Cape Mount, paying 10l. per cent. for goods exported, and 10l. per cent. on all goods, &c. imported into England or America, from Africa, &c. Master and traders, &c. to make the like entry and oath, and give bond as aforesaid, &c. Master trading ship between Cape Blanco and Cape Mount, before landing shall deliver a particular of his cargo on oath. Goods imported from Africa into England or America shall be entred on oath, &c. and pay the duty. Collector, &c. to take the entries, and deduct 5l. per cent. Except duties arising by the exports and imports of the royal African company. Company to give an account yearly to the curfitor baron of the Exchequer of monies received, &c. Goods landed before entry forfeited. Ships sailing to Africa, &c. and not duly entred, forfeited. Subjects of England trading to Africa, &c. to have the same protection, &c. as the company, and may settle factories there, without molestation of the company. Goods exported to Africa and brought back again, may be re-exported without duty, &c. Duties appropriated for maintaining the forts and castles in Africa, &c. Account of the duties and disbursements, &c. to be kept in a

EXP.

book, and be viewed at the African house in London. Account to be made up yearly at Michaelmas. No duty to be paid for gold or silver imported from Africa. This act not to hinder persons from trading to Barbary.

§ 6 W. & M.

c. 17.

Copper bars may be exported.

Continued by

15 Geo. 2. c. 35.

for 14 years.

Drawback on exportation.

11 Ann. c. 18.

13 Geo. 1. c. 27.

XIX. *And whereas by an act of parliament made in the fifth and sixth years of the reign of his present Majesty and the late Queen Mary, amongst other things it was enacted, that no other copper, than what is made of English ore only, should be exported; which proving very prejudicial to the trade of England, by enabling foreigners to export copper much cheaper than it can be carried from England; be it enacted by the authority aforesaid, That it shall and may be lawful to and for any of his Majesty's subjects to export from England all such copper bars as have or shall be imported into England from foreign parts, and upon exportation shall draw back all duties, or vacate the securities; saving the half of the old subsidy, as is usual in other commodities.*

EXP.

No governor, &c. of any plantation in America shall be a factor, &c. Penalty. Act to continue 13 years.

C A P. XXVII.

An act for licencing hawkers and pedlars, for a further provision of interest for the transport debt, for reducing of Ireland.

8 & 9 W. 3. c. 25.

12 & 13 W. 3.

c. 11.

Traders in

woollen and

linen manu-

facture, &c.

not to be deemed

hawkers, &c.

within this act

by 3 & 4 Annæ,

c. 4. s. 14.

These duties

are made part

of the aggre-

gate fund by

1 Geo. 1. c. 12.

WHEREAS towards paying the interest of the transport debt for reducing of Ireland, an act was made in the session held in the eighth and ninth years of his Majesty's reign, intituled, An act for licencing hawkers and pedlars, for a further provision for payment of the interest of the transport debt for the reducing of Ireland; by which several impositions were laid upon several hawkers, pedlars and petty chapmen therein mentioned; which said act, and the impositions therein, were to have continuance only to the four and twentieth of June, one thousand six hundred ninety eight; we your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, being willing that a further provision be made for the interest of the said transport debt, do humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the four and twentieth day of June, one thousand six hundred ninety eight, until the four and twentieth day of June, which shall be in the year of our Lord one thousand seven hundred and one, there shall be answered and paid to his Majesty, his heirs and successors, by every hawker, pedlar, petty chapman, or any other trading person or persons, going from town to town, or to other mens houses, and travelling either on foot, or with horse, horses or otherwise, within the kingdom of England, dominion of Wales or town of Berwick upon Tweed, (except as herein after is excepted) carrying to sell, or exposing to sale, any goods, wares or merchandizes, a duty of four pounds for each year; and that every person so travelling with a horse,

From 24 June, 1698, till

24 June, 1701,

every hawker,

pedlar, &c. to

pay 4l. per ann.

ass or mule, or other beast bearing or drawing burden, shall pay the sum of four pounds for each year he or she shall so travel with, over and above the said first mentioned duty of four pounds.

And travelling with a horse, mule, &c. 4l. more per ann.

II. And be it enacted by the authority aforesaid, That every pedlar, hawker, petty chapman, and other trading person or persons so travelling as aforesaid, upon receiving his or her licence, as is hereafter expressed, shall pay or cause to be paid unto such persons as the lord treasurer, or lords commissioners of his Majesty's treasury for the time being, or any three of them, shall nominate, authorize, and appoint to be commissioners for licensing hawkers, pedlars, and petty chapmen, not exceeding three, or any person or persons authorized or deputed by them, or the major part of them, in writing under their hands and seals, one moiety of the duty by this act payable for the same, and give security by bond, with one or more sufficient sureties, to be taken in his Majesty's name, for the true payment of the other moiety of the said duties at the end of six calendar months, unless the party shall choose to pay down the other moiety of the said duty, in which case he or she shall be allowed after the rate of two shillings in the pound for prompt payment of the same, and thereupon a licence shall be granted for him or her so to travel or trade, by the said commissioners to be appointed pursuant to this act, or any two or more of them.

One moiety of the duty to be paid on receiving licence,

and the other at the end of six months. 2 s. in the pound allowed for prompt payment.

III. And be it further enacted, That if any such hawker, pedlar, or petty chapman, from and after the said four and twentieth of June, one thousand six hundred ninety eight, be found trading as aforesaid, without or contrary to such licence, such person shall, for each and every such offence, forfeit the sum of twelve pounds, the one moiety thereof to the informer, and the other moiety thereof to the poor of the parish wherein such offender shall be discovered; and that if any person so trading, upon demand made by any justice of the peace, mayor, constable, or other officer of the peace of any town corporate or borough, where he or she shall so trade, shall refuse to produce and shew unto such justice of peace, mayor, constable, or other officer of the peace, his or her licence for so trading, to be granted as aforesaid, that then the person so refusing shall forfeit five pounds to be paid to the churchwardens of the parish where such demand shall be made, to the use of the poor of the same, and for nonpayment thereof, shall suffer as a common vagrant, and be committed to the house of correction.

Penalty on hawkers, &c. trading without licence,

or refusing to produce the same.

IV. And be it enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners to be appointed pursuant to this act, or any two or more of them, and they are hereby directed, appointed, and required, upon the terms aforesaid, and upon the receipt and security given, as aforesaid, to grant a licence, to be by them subscribed, to every hawker, pedlar, petty chapman, or any other trading person, for him or herself, or for him or herself with one or more horses, asses, or mules,

Commissioners to sign licences to hawkers, &c.

Fees for licences.

mules, or other beast, which he or she shall travel with, as the case shall require, for which licence there shall be taken only one shilling, unless such hawker, pedlar, or petty chapman, shall travel with horse, ass, or mule, or other beast of burden, and in that case there shall be paid for such licence only two shillings, over and above the duties aforesaid, and no more; and that the said commissioners to be appointed pursuant to this act, shall keep a separate and distinct account of the duties granted by this act, and pay the money arising thereby into his Majesty's Exchequer, upon *Wednesday* in every week, unless a holiday, and if it be a holiday, then on the day next after that is not a holiday; and upon neglect or refusal of the same, shall incur the penalties, forfeitures, damages, and costs, as other the officers of the Exchequer herein after mentioned shall be liable unto; which money, so paid in, shall be applied to the uses herein after mentioned by this act; that is to say, to pay interest for the said transport debt, after the rate of five pounds *per centum* for one whole year, and so proportionably for any greater or lesser sum.

A distinct account to be kept of the duties, and paid weekly into the Exchequer.

Penalty on officer neglecting.

Monies how to be applied.

Penalty on person forging or counterfeit licence.

V. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall forge or counterfeit any licence or licences, or travel with such forged or counterfeited licences, for the purposes aforesaid, such person shall forfeit the sum of fifty pounds; one moiety thereof to the King, the other moiety to him that shall prosecute or sue for the same, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, in which no essoin, protection, wager of law, or more than one imparlance, shall be allowed, and shall be subject to such other pains and penalties as may be inflicted on persons for forgery.

Persons sued may plead the general issue, &c.

VI. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or troubled, for putting in execution any the powers contained in this act, or for doing any matter or thing pursuant thereunto, such person or persons shall and may plead the general issue, Not guilty, and give the special matter in evidence; and if the plaintiff or plaintiffs shall be nonsuited, or judgment be given against him or them upon demurrer, or a verdict pass for the defendant, such defendant shall have his or their treble costs, to be recovered in such manner as where by law costs are given to defendants.

Treble costs.

Penalty on constable, &c. refusing to assist in the execution of this act.

VII. And be it further enacted by the authority aforesaid, That if any constable, headborough, or other officer or officers aforesaid, shall refuse or neglect, upon due notice, or on their own view, to be aiding and assisting in the execution of this act, being thereunto required, and each and every such officer or officers being thereof convicted by the oath of one or more credible witness or witnesses, before any justice of the peace for the county or place where such offence shall be committed, shall forfeit for each and every such offence, contrary to this act, the sum of forty shillings, to be levied by distress and sale of the offenders

offenders goods, by warrant under the hand and seal of such justice of the peace, the one moiety to the poor of the parish where such offence shall be committed, the other moiety to the informer who shall prosecute for the same, rendring the overplus thereof to the owner, if any be.

VIII. And it is further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons whatsoever, to seize and detain any such hawker, pedlar, petty chapman, or other trading person or persons, as aforesaid, till such time as he, she, or they shall produce a licence in that behalf, if he, she, or they have any, or if he, she, or they shall be found trading without a licence, contrary to this act, for such reasonable time as he, she, or they may give notice to the constable, headborough, tythingmen, churchwardens, overseers of the poor, or some other parish officer or officers, who are hereby required to carry such person so seized before some of his Majesty's justices of the peace of the county or place where such offence or offences shall be committed; which said justice of the peace is hereby authorized and strictly required, either upon confession of the party offending, or due proof by witness upon oath (which he is hereby impowered to administer) that the person so brought before him had so traded as aforesaid, and that no such licence shall be produced by such offender before the said justice, by warrant under his hand and seal, to cause the said sum of twelve pounds to be forthwith levied by distress and sale of the offender or offenders goods, wares, or merchandizes, rendring the overplus, if any be, to the owner or owners thereof, after true deduction of the reasonable charge for taking the said distress, and out of the said sale to pay the said respective penalties and forfeitures aforesaid.

Hawker, &c. may be detained till he produce licence, and if he trade without licence, justice to cause the penalty to be levied by distress and sale of goods, &c.

IX. Provided always, and be it enacted, That this act, or any thing herein contained, shall not extend to prohibit any persons from selling of any acts of parliament, forms of prayer, proclamations, gazettes, licenced almanacks, or other printed papers licenced by authority, or any fish, fruits, or victuals; nor to hinder any person or persons, who are the real workers or makers of any goods or wares within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, or his, her, or their children, apprentices, agents, or servants, to such real workers or makers of such goods or wares only, from carrying abroad, exposing to sale, or selling any of the said goods and wares of his, her, or their own making, in any publick mart, fairs, markets or elsewhere; nor any tinkers, coopers, glaziers, plummers, harness-menders, or other persons usually trading in mending kettles, tubs, household goods, or harness whatsoever, from going about and carrying with him or them proper materials for mending the same.

Persons and things exempted.

X. Provided also, and it is further enacted by the authority aforesaid, That there shall be provided and kept in his Majesty's Exchequer, that is to say, in the office of the auditor of receipts, one book or register, in which all monies that shall be paid into the

A register to be kept in the Exchequer of all monies paid in by this act.

the Exchequer by virtue of this act shall be entred, registred, and kept apart and distinct from all other monies paid or payable to his Majesty, or upon any other branch of his Majesty's revenue, or upon any other account whatsoever.

Penalty on officers diverting or misapplying the monies.

XI. Provided, and it is further enacted by the authority aforesaid, That if any officer in the Exchequer shall divert or misapply any of the monies that shall be paid into the Exchequer by virtue of this act, to any other uses or purposes than are hereby directed, then such officer so offending shall forfeit his office in the Exchequer, and be incapable of any office or place of trust, and shall be liable to pay the treble value of any sum or sums of money so diverted or misapplied to any of the persons thereby grieved, their respective executors, administrators, or assigns, who will sue for the same by any action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance, shall be granted or allowed; and all orders and warrants for issuing, paying, or disposing any of the monies to be raised by virtue of this act, contrary to the true intent and meaning thereof, shall be utterly void to all intents and purposes whatsoever.

This act not to hinder the selling goods in any publick market, fair, &c.

XII. Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to hinder any person or persons from selling or exposing to sale any sorts of goods or merchandizes in any publick mart, market, or fair within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, but that such person or persons may do therein as they lawfully might have done before the making of this act; any thing herein contained to the contrary notwithstanding.

If duties amount to more than is sufficient to pay the interest of the transport debt, surplus to remain in the Exchequer, and not be disposed of but by parliament.

XIII. And be it further enacted by the authority aforesaid, That in case it shall so happen that the several additional duties and impositions granted to his Majesty by several acts of parliament, towards payment of interest of the said transport debt, together with the duties to be raised by virtue of this act, shall amount to more than what may prove sufficient for payment of interest, at five pounds *per centum*, for the said transport debt, according to the several debentures made and to be made out, that then, and in such case, such surplus arising by the said duties, more than sufficient for payment of the interest, shall remain in the Exchequer, and not be disposed of otherwise than by an act of parliament expressly made in that behalf.

Commissioners and their clerks, &c. may be paid out of the duties.

XIV. Provided always, That it shall and may be lawful for the commissioners of his Majesty's treasury, or the lord high treasurer for the time being, out of the monies raised by this or the said recited acts, to pay to the said commissioners to be appointed pursuant to this act, their clerks, or any other persons, such sums of money as they or any of them shall or may reasonably deserve for their service, or shall or may have expended, in the execution of, or in relation to, this or the said recited acts.

XV. Pro-

XV. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing contained therein, shall not extend, or be construed to extend, to give any power for the licencing of any hawker, pedlar, or petty chapman, to sell, or expose to sale, any wares or merchandizes in any city, borough, town corporate, or market town within this realm, any otherwise than might have been done before the making of this act; any thing therein contained to the contrary notwithstanding.

This act not to empower hawkers, &c. to sell wares or merchandize in any city, &c.

C A P. XXVIII.

An act for the exporting watches, sword-bilts, and other manufactures of silver.

WHEREAS by an act of parliament made in the seventh and eighth years of his present Majesty King William the Third, intituled, An act to encourage the bringing plate into the mint to be coined, and for the further remedying the ill state of the coin of this kingdom, it is amongst other things so enacted, That after the last day of March then next ensuing, no wrought plate of this kingdom can be shipped off, under the great penalties in the said act contained, whereby no home wrought manufactured plate, though never so beneficial to the artificers and trade of this kingdom, is permitted to be exported, which was at that time a good and wholesome law, and tended to the benefit of the kingdom, by keeping bullion at home to be coined: now forasmuch as by a subsequent act made in the eight and ninth years of the reign of his said Majesty, intituled, An act for the encouraging the bringing in of wrought plate to be coined, it is therein enacted, That from and after the five and twentieth day of March, one thousand six hundred ninety seven, no goldsmith, silversmith, or other person whatsoever, shall work, make or cause to be wrought or made any silver vessel, plate or manufacture of silver, less in fineness than that of eleven ounces and ten penny weight of fine silver in every pound Troy, nor put to sale the same until it be marked, as in the said act is directed; whereby no profit can arise to any person who shall export such plate, as hath been or shall be made pursuant to that act, by losing the charge of the fashion in melting down the same, and selling the silver abroad, the principal thing aimed at to be prevented by the first recited act: but on the contrary a great benefit may accrue to many artificers, and to the kingdom in general, by giving liberty to export watches, sword bilts, wrought plate, and several other silver manufactures made within this kingdom, being of the fineness prescribed in the said last recited act; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the four and twentieth day of June, one thousand six hundred ninety eight, it shall and may be lawful to export such watches, sword-hilts, wrought plate, and other silver manufactures made within this kingdom, being of the fineness of eleven ounces and ten penny weight to every pound Troy, and so proportionably for a greater or lesser weight,

7 & 8 W. 3. c. 19.

8 & 9 W. 3. c. 8.

Watches, sword hilts, wrought plate, &c. may be exported, as shall be yearly allowed by the commissioners according of the customs.

according to the rules prescribed in the said last recited act, as shall be yearly allowed by the commissioners of his Majesty's customs for the time being, or any three of them; any law or statute to the contrary in any wise notwithstanding.

II. *And whereas great quantities of empty boxes, cases, and dial plates, for clocks and watches, have been exported without their movements, and in foreign parts made up with bad movements, and thereon some London watch-makers names engraven, and so are sold abroad for English work; and also there have been the like ill practices in England by divers persons, as well by some professing the art of clock and watch-making, as others ignorant therein, in putting counterfeited names, as also the names of the most known London watch-makers, on their bad clocks and watches, to the great prejudice of the buyers, and the disreputation of the said art at home and abroad:*

No case or dial plate, &c. for clock or watch shall be exported without the movement, &c. nor made up, without engraving maker's name. Penalty.

for the preventing therefore of all such ill practices for the future, be it enacted by the authority aforesaid, That no person or persons whatsoever shall, after the said four and twentieth day of *June*, export or send, or endeavour to export or send, out of this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, any outward or inward box, case or dial-plate of gold, silver, brass or other metal for clock or watch, without the movement in or with every such box, case or dial-plate, made up fit for use, with the clock or watch-maker's name engraven thereon; nor any person whatsoever, after the said four and twentieth day of *June*, shall make up or cause to be made up any clock or watch without engraving, or putting, or causing to be engraven or put, his or her own name and place of abode or freedom, and no other name or place, on every clock or watch he or she shall so make up, or cause to be made up, under the penalty of forfeiting every such empty box, case and dial-plate, clock and watch, not made up and engraven as aforesaid, and also for each and every of such offence the sum of twenty pounds, one moiety whereof to be to his Majesty, his heirs and successors, and the other moiety shall be to him, her or them that shall sue for the same in any of his Majesty's courts of record, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed, or more than one imparlance; any thing herein contained, or any law or statute to the contrary thereof in any wise notwithstanding.

C A P. XXIX.

An act to repeal the act made in the last session of parliament, intituled, An act for the relief of creditors, by making composition with their debtors, in case two thirds of number and value do agree.

WHEREAS *an act made in the second session of this present parliament, held in the eighth and ninth years of his Majesty's reign, intituled, An act for relief of creditors, by making compositions with their debtors, in case two thirds in number and value do agree, hath not answered the end for which the same was intended,*

8 & 9 W. 3. c. 18. repealed.

intended, in regard that notwithstanding the provisions in the said act for preventing frauds in the making such compositions, many fraudulent practices have been committed, by making pretended agreements with persons who were not real creditors, and for greater advantages than what were expressed in such compositions; which practices have (as there is just cause to fear) occasioned much perjury: for remedy whereof be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled; and by the authority of the same, That from and after the twenty fourth day of *June*, in the year of our Lord one thousand six hundred ninety and eight, the said act, and every clause, matter, and thing therein contained, shall be repealed, determined, and of no force.

II. Provided nevertheless, and be it enacted by the authority but not to
aforesaid, That this act shall not extend, or be construed to ex- make void a-
tend in any wise, to prejudice, make void, or impeach any a- greements, &c.
greement or composition made, or which before the said twenty
fourth day of *June* shall be made, *bona fide*, and without fraud,
and which shall be performed from time to time, according to
the true intent and meaning thereof, nor any order for the dis- nor orders for
charge of any debtor out of custody, made or which shall be discharge of
made in pursuance of such agreement and composition, and by prisoner.
virtue of the abovesaid act, or which is or shall be within the
saving or benefit thereof, before the said twenty fourth day of
June, but that every such agreement or composition, whereupon
any such order of discharge is or shall be made as aforesaid, shall
be good and effectual to all intents and purposes, and every such
order of discharge is hereby ratified and confirmed; and every
such agreement or composition, whereupon no such order of
discharge is or shall be made as aforesaid, shall be and remain of
the same force and effect (and no other) as if this present act
had not been made; nor to pardon, indemnify, or discharge
any person who hath incurred, or before the said twenty fourth
day of *June* shall incur any penalty or forfeiture, by committing
any offence against the said act, but that every such offender
shall be liable to the same forfeitures and penalties as if the said
act had continued in full force.

III. Provided always, and be it enacted by the authority a- Release and
foresaid, That no person or persons, who heretofore have been discharge on
or shall, before the said twenty fourth day of *June*, be discharged false oath to
by virtue of this act, shall be deemed or adjudged to be dis- be void.
charged thereby, who to procure any agreement, compositions,
releases or discharges whatsoever, from any of his or their cre-
ditor or creditors, have before any one of the judges of either
bench, barons of the *Exchequer*, or master in *Chancery*, ordina-
ry or extraordinary, willingly and corruptly made, or before the
said twenty fourth day of *June* shall make, any false oath, to
the defrauding of his or their creditor or creditors, but that all
and every such agreement, releases and discharges upon any false
oath obtained, and being thereof convicted upon any indictment
or

or information, shall be void and of none effect; any thing in this or the said former act contained to the contrary hereof in any wise notwithstanding.

C A P. XXX.

An act for increasing his Majesty's duties upon lustrings and alamodes.

12 Car. 2. c. 4. **W**HEREAS the wrought silks, commonly called lustrings and alamodes, under the name of wrought silks, in and by the book of rates referred to in the act of tunnage and poundage, which was made and passed in the twelfth year of the reign of his late Majesty King Charles the Second, were valued at forty shillings the pound weight, containing sixteen ounces; and according to that valuation are and will be liable to pay several subsidies, additional and other duties or impositions to your Majesty, by virtue of several acts of parliament since that time made and past, referring to the said book of rates for the value of the said silks: we your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, being sensible that the said silks, called lustrings and alamodes, were much undervalued in the said book, and that the same are ordinarily of a much higher value than forty shillings for such a pound weight as aforesaid, do therefore in all humility grant, that your Majesty's duties for and upon all lustrings and alamodes imported, now payable by or according to the said valuation of forty shillings the pound weight, shall be increased, answered and paid according to the valuation herein after mentioned; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all lustrings and alamodes, which from and after the four and twentieth day of June, one thousand six hundred ninety eight, shall be imported or brought into the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall be valued at four pounds for every pound weight, containing sixteen ounces as aforesaid: and his Majesty's several subsidies, additional and other duties and impositions as aforesaid, during the continuance of the same respectively, shall be collected, paid and answered for and upon the said lustrings and alamodes, according to the said valuations of four pounds for every pound weight, as if the same had been originally inserted in the said book of rates, and had been particularly referred to (instead of the said rate of forty shillings) in the several acts before mentioned: and that according to the same rules and methods, and with such or the like allowances, and under such penalties and forfeitures, as are by the said acts, and every or any of them prescribed, for the respective duties on the said commodities; any thing therein contained to the contrary notwithstanding.

Lustrings and alamodes imported to pay 4l. per lb. wt. &c.

1 Ann. st. 1. c. 13. s. 2. 9 Ann. c. 6. s. 2. 3 Geo. 1. c. 7.

C A P. XXXI.

13 & 14 Car. 2. c. 3. **An act for raising the militia for the year one thousand six hundred ninety eight, although the month's pay formerly advanced be not paid.**

C A P.

C A P. XXXII.

An act for the more effectual suppressing of blasphemy and prophaneness.

WHEREAS many persons have of late years openly avowed and published many blasphemous and impious opinions, contrary to the doctrines and principles of the christian religion, greatly tending to the dishonour of Almighty God, and may prove destructive to the peace and welfare of this kingdom: wherefore for the more effectual suppressing of the said detestable crimes, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person or persons, having been educated in, or at any time having made profession of the christian religion within this realm, shall by writing, printing, teaching, or advised speaking, deny any one of the persons in the Holy Trinity to be God, or shall assert or maintain there are more gods than one, or shall deny the christian religion to be true, or the holy scriptures of the old and new testament to be of divine authority, and shall upon indictment or information in any of his Majesty's courts at *Westminster*, or at the assizes, be thereof lawfully convicted by the oath of two or more credible witnesses; such person or persons for the first offence shall be adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have or enjoy any office or offices, employment or employments, ecclesiastical, civil or military, or any part in them, or any profit or advantage appertaining to them, or any of them: and if any person or persons so convicted as aforesaid, shall at the time of his or their conviction, enjoy or possess any office, place or employment, such office, place or employment shall be void, and is hereby declared void: and if such person or persons shall be a second time lawfully convicted as aforesaid, of all or any the aforesaid crime or crimes, that then he or they shall from thenceforth be disabled to sue, prosecute, plead or use any action or information in any court of law or equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to bear any office, civil or military, or benefice ecclesiastical for ever within this realm, and shall also suffer imprisonment for the space of three years, without bail or mainprize, from the time of such conviction.

Persons denying the Trinity, or asserting there are more Gods than one or denying the christian religion to be true, &c. being convicted thereof, disabled to hold any office, &c.

Further disabilities if a second time convicted thereof.

II. Provided always, and be it enacted by the authority aforesaid, That no person shall be prosecuted by virtue of this act, for any words spoken, unless the information of such words shall be given upon oath before one or more justice or justices of the peace, within four days after such words spoken, and the prosecution of such offence be within three months after such information.

No prosecution unless information be given in four days after words spoken, &c.

Person for the first offence, (on renouncing his opinion in 4 months after conviction) shall be discharged from penalty, &c.

III. Provided also, and be it enacted by the authority aforesaid, That any person or persons, convicted of all or any of the aforesaid crime or crimes, in manner aforesaid, shall for the first offence (upon his, her, or their acknowledgment and renunciation of such offence or erroneous opinions, in the same court where such person or persons was or were convicted, as aforesaid, within the space of four months after his, her, or their conviction) be discharged from all penalties and disabilities incurred by such conviction; any thing in this act contained to the contrary thereof in any wise notwithstanding.

CAP. XXXIII.

EXP.

An act to stop the coining farthings and halfpence for one year.

CAP. XXXIV.

5 & 6 W. & M. c. 7. An act for the better and more orderly payment of the lottery tickets now payable out of certain additional duties of excise, and of other annuities lately payable out of the tunnage duties.

5 & 6 W. & M. c. 14.
5 & 6 W. & M. c. 20.

Duties of excise granted by 5 & 6 W. & M. c. 7. to be applied to payment of the arrears of the annuities to 25 March, 1696. Growing produce applied to the annuities. Lottery tickets to be paid. Additional duties of excise appropriated to the annuities. EXP.

CAP. XXXV.

6 W. 3. c. 6. An act for preventing frauds and abuses in the charging, collecting, and paying the duties upon marriages, births, burials, batchelors, and widowers.
3 W. 3. c. 20.
7 W. 3. c. 35.
9 & 10 W. 3. c. 10. From 24 June, 1699. Justices of peace to be commissioners for this act. Ecclesiastical person to set down the degrees, &c. of every person christened, &c. and in case of burials, of the heir, &c. Of birth, the father's and mother's name, &c. And of marriage, the place of abode of the husband, &c. Under penalty. Person who ought to pay the duty, to give an account of the degree of the person buried, &c. The words *ecclesiastical persons* to comprehend bishops, where marriages, &c. are celebrated by them. Person removing before duty paid, commissioners may certify such default, &c. and for non-payment distrain. For want of distress offender to be committed to prison. Commissioners to meet once in three months, and warn assessors, collectors, &c. to appear before them, and bring in their assessments. Commissioners may examine the said assessments, &c. and cause persons omitted, &c. to be taxed. Duplicates of the gross sums to be transmitted to the Exchequer. Collectors to render their accounts on oath. Collectors to have an additional allowance of 3d. per pound. And commissioners clerks 1d. per pound. Person not paying duty in twenty days after due, to pay double. The ten days allowed for appeal to begin from the demand of the duty. EXP.

CAP. XXXVI.

An act for the increase and preservation of timber in the New Forest in the county of Southampton.

Two hundred acres, part of the New Forest in Hampshire, to be inclosed for the growth of timber, &c. and set out by commissioners, &c. Inclosures to be made. Two hundred acres more to be inclosed yearly for twenty years, &c. And to remain in possession of the crown for ever, as a nursery for wood only. Decayed trees to be set out for making the inclosures. When the woods growing in the inclosures are past danger of browsing of deer, &c. so that the same may be laid open, the King may inclose the like quantity of acres for so much laid open, &c. free from all common, &c. Wood not to be felled without allowance, &c. Nor coppice woods cut, &c. Inclosures not to be plowed or sowed, &c.

Penalty

Penalty on forester, keeper, &c. browsing or lopping any oak or beech tree in the forest. Charcoal not to be made in the forest within 1000 paces of any inclosure, &c. Coal hearths to be fenced with heath, &c. Persons breaking down any of the inclosures, &c. may be fined, and committed to gaol, &c. This act not to alter the forest laws, &c. Right of common of pasture, &c. in the forest preserved. After Michaelmas, 1716. and not before, right of common of pasture continued in the waste ground. Saving right of fuel to the adjacent inhabitants, provided they do not sell the same, &c. Grant of any the said inclosures, trees, &c. void. Notice to be given when any sale of wood shall be made in the forest, &c. Officers to value the wood before sale. Best bidder to be the purchaser. No fee, &c. to be taken for selling of trees, &c.

CAP. XXXVII.

An act for applying to the use of his Majesty's navy and ordnance the overplus of the money and stores, which were provided for the building seven and twenty ships of war. E X P.

1 W. & M. ff.
2. c. 10.
3 & 4 W. & M.
c. 6.

CAP. XXXVIII.

An act for granting to his Majesty an aid by a quarterly poll for one year. E X P.

CAP. XXXIX.

An act for settling and adjusting the proportion of fine silver and silk, for the better making of silver and gold thread, and to prevent the abuses of wire-drawers. E X P.

15 Geo. 2. c. 20.

Continued for seven years, and amended by 1 Anne, stat. 1. cap. 17. Weight of silver wire drawn for making gold and silver thread, &c. No gilt wire to be coloured with verdigrease, &c. Six ounces of plate to cover 4 ounces of silk, &c. Allowances for gold and silver thread made finer, &c. Gold and silver plate to be spun close on light dyed silk, &c. (except frost.) All metals inferior to silver shall be spun on thread, &c. Importation of gold or silver thread, lace, &c. or made of copper, brass, &c. prohibited. Suit to be commenced in six months after offence. Act to continue for three years.

CAP. XL.

An act for the explanation and better execution of former acts made against transportation of wooll, fullers earth, and scouring clay.

WHEREAS several laws have been made to prevent the exportation of wooll and fullers earth out of this kingdom, yet nevertheless the said exportation is still notoriously continued, to the great prejudice and discouragement of the woollen trade and manufacture of England: and whereas in the first year of the reign of his present Majesty King William and the late Queen Mary, there passed an act, intituled, An act for the better preventing the exportation of wooll, and encouraging the woollen manufactures of this kingdom; which act was continued by one other act made in the fourth and fifth years of their said Majesties reign, intituled, An act for reviving, continuing, and explaining several laws therein mentioned, which were expired and near expiring; which said act was further continued in the seventh year of his present Majesty's reign, with some alterations, intituled, An act for the more effectual preventing the exportation of wooll, and for the encouraging the importation of wooll from Ireland, which act is now near expiring: and whereas for preventing the said mischiefs it is necessary

1 W. & M. ff.
1. c. 32.

4 & 5 W. & M.
c. 14.

7 & 8 W. 3.
c. 28.

that the last mentioned act, with some convenient alterations, should be continued, and also that there should be some more effectual remedies than have been hitherto provided; be it therefore enacted by the King's most excellent majesty, by and with the consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That the said last mentioned act, made in the seventh year of his Majesty's reign, and intituled, *An act for the more effectual preventing the exportation of wooll, and for encouraging the importation of wooll from Ireland*, and every clause, matter, and thing therein contained, except what is hereby otherwise altered, explained, enlarged, or repealed, shall continue and be in full force, as if the same were herein and hereby particularly recited and mentioned.

7 & 8 W. 3.
c. 28.

3 Geo. 1. c. 21.
4 Geo. 1. c. 11.
5 Geo. 1. c. 11.
5 Geo. 2. c. 21.
12 Geo. 2. c. 21.
Penalty on exporting fullers earth or scouring clay.

II. And whereas under a pretention of carrying fullers earth and scouring clay into Ireland, the same is conveyed into Scotland, and other foreign parts, to the further prejudice of the woollen manufacture of this kingdom; be it further enacted, That from and after the four and twentieth day of June, one thousand six hundred ninety eight, no fullers earth or scouring clay shall be exported out of this kingdom, dominion of Wales, or town of Berwick upon Tweed, into Ireland, or Scotland, or any other foreign parts, upon any pretence whatsoever, but that the exporters, being legally convicted, shall be liable to the forfeitures of one shilling for every pound weight.

III. And whereas it is a common practice in Romney Marsh and other places adjacent, for evil disposed persons to shear their sheep, and lodge wool near the sea side, and sometimes to bring wooll out of the country more remote, and lodge it as aforesaid, where by fraud and force in the night time, the said persons do cause the same to be transported to France, to the increase of the trade of that kingdom, and the destruction of the trade of England: to prevent these practices for the future, be it further enacted by the authority aforesaid,

Owners of
wooll within
ten miles of
the sea side, in
Kent or Suff-
sex, to give an
account of the
number of
fleeces, and
where lodged,
&c.

That all and every owner and owners of wooll shorn or housed, laid up or lodged, within ten miles of the sea side, within the counties of Kent and Suffex, shall be obliged to give an exact account in writing, within three days after the sheering thereof, of his, her, or their number of fleeces, and where lodged or housed, to the next adjacent port or officer of his Majesty's customs, and the like notice before he, she, or they shall presume to remove any part or parcel thereof, of the said number of fleeces and weight, and the name and abode of the person or persons to whom it is disposed, and the place to which it is intended to be carried; and to take a certificate from the officer who first entred the same, upon the penalty of forfeiting all such wooll as shall not be so entred or otherwise disposed of, and the owner or owners also to be liable to the further penalties of three shillings for every pound weight of all such wooll, as if the same had been actually transported; which said account the officers respectively are hereby required to take gratis, and to give such certificate or certificates, without delay, to the party

Penalty.

Officer to give
certificate, &c.

party or parties demanding the same, and shall therein specify the name or names of the owners and buyers thereof, and limit it to such times and places to be removed; for which duty and service the said officer or officers shall take and demand the sum of six pence and no more for each certificate, upon any account or pretence whatsoever.

IV. And whereas it is a common practice in the said marsh, for divers persons, not resident upon the place, to buy up great quantities of wooll, and transport, or cause the same to be transported, out of this kingdom: for preventing such practices for the future, be it further enacted by the authority aforesaid, That no person or persons residing within fifteen miles of the sea, in the counties of Kent and Sussex, shall presume to buy any wooll, before they do enter into bond to the King's majesty, his heirs or successors, with sureties, that all the wooll they buy shall not be sold by them to any person or persons within fifteen miles of the sea; and in case any wooll be found carried towards the sea side in the counties aforesaid, unless such wooll be first entred, and security given, the same shall be forfeited, and the person or persons offering therein shall also forfeit three shillings for every pound weight of all such wooll.

No person shall sell wooll within 15 miles of the sea side, in Kent or Sussex, unless entred, &c.

V. And be it further enacted by the authority aforesaid, That no wooll removed from the place where it was first housed, lodged, or laid after sheering, within ten miles, as aforesaid, shall be lodged after the first removing within fifteen miles of the sea, in the counties aforesaid, upon pain of forfeiting all such wooll, if found; but if carried away, then every person or persons, who were the owners of the said wooll, to forfeit for every pound weight the sum of three shillings.

Nor remove it from the place where it was first housed.

Penalty.

VI. And be it further enacted by the authority aforesaid, That all and every person or persons that shall lay, or cause to be laid or hid, any wooll within fifteen miles of the sea, and not entred, as aforesaid, all such wooll shall be seized and forfeited; that upon any seizure of such wooll, every person, laying claim to the same, shall give sufficient security in his Majesty's court of Exchequer (if cast upon trial) to pay treble costs, over and above the penalties and forfeitures aforesaid.

Wooll laid within 15 miles of the sea, forfeited, &c.

VII. Provided always, and be it further enacted by the authority aforesaid, That if any action or suit shall be brought and prosecuted by any person or persons against any person employed in the execution of this act, for any matter, cause, or thing, by them or either of them done, committed, or executed by virtue of this act, or any clause or article therein contained; that then and in every such case the defendant or defendants may plead the general issue, and give the special matter in evidence at the trial, that the same was done in pursuance and by authority of this act; and if upon examination it shall so happen to be done, the jury shall find for the defendant or defendants; and in such case, or if the plaintiff shall be nonsuit, or discontinue his action, the defendant or defendants shall have and recover treble costs, which he or they shall sustain or be put unto, by

Persons sued may plead the general issue.

Treble costs,

reason of his or their wrongful vexation in defence of the said action or suit.

Forfeitures
and penalties,
how to be di-
stributed.

VIII. And it is hereby further enacted by the authority aforesaid, That all the forfeitures and penalties before in this act mentioned, shall be distributed in manner and form following, viz. one third part to the use of his Majesty, his heirs and successors, and the other two thirds to the use of such person or persons as shall seize or sue for the same, by bill, plaint, or information, in any of his Majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall be allowed.

12 Car. 2. c. 32.

IX. And whereas by an act of parliament made in the twelfth year of the reign of King Charles the Second it is enacted, That no person or persons whatsoever should, at any time thereafter, be impeached for any offence against the said act, unless such persons be prosecuted within one year next ensuing such offence committed: and whereas a great many persons who have been guilty of transporting wooll, but discovery thereof hath not been made till the expiration of twelve months after the offence committed, to the great encouragement of several notorious offenders; For the prevention whereof be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty to cause such person or persons, as are or shall be guilty of transporting or causing to be transported any wooll, wooll-fells, fullers earth, or scouring clay, to be sued and prosecuted at any time within three years after the offence committed, in the same manner as informations on other penal statutes have been usually and may lawfully be prosecuted.

Exporters of
wooll, &c.

X. And for the better preventing the carrying of wooll into Scotland from England, be it further enacted by the authority aforesaid, That from and after the said four and twentieth day of June, all and every owner or owners of wooll, thorn, laid up, or lodged within fifteen miles of the borders of Scotland, shall and are hereby required to give an exact account of his, her, or their number of fleeces, and where lodged or housed, to such person or persons as shall be appointed and impowered for that purpose, pursuant to the direction or true meaning of the aforesaid act of parliament, made in the first year of his present Majesty and the late Queen; which person or persons shall give attendance for that purpose at the several ports and market towns within the said distance of fifteen miles; and shall and are hereby required to make a true entry of such wooll, in a book to be kept for that purpose: and in case any owner or owners of such wooll shall neglect or refuse to give such account to such person or persons, as shall after such notice given remove such wooll, or any part thereof, without licence from such person or persons as shall have made such entry, he, she, or they, so neglecting or refusing, or removing afterwards his, her, or their wooll, or any part of it, without licence, as aforesaid, shall forfeit three shillings for every pound weight of such wooll; and all the wooll that shall be found within the distance aforesaid, of the borders of Scotland, not entred, as aforesaid, shall be and is hereby forfeited, one third part to his Majesty, his heirs, and successors,

Owners of
wooll thorn,
and lodged
within fifteen
miles of the
borders of
Scotland, to
give an ac-
count of the
number of
fleeces, &c.
1 W. & M.
st. 1. c. 32.
and make en-
try thereof.
Penalty.

Wooll unen-
tered and found
&c. forfeited.

cessors, and the other two third parts to him or them who shall sue for the same in any of his Majesty's courts of record at *Westminster*, in which no essoin, protection, or wager of law, or more than one imparlance shall be allowed.

XI. And whereas by an act made in the parliament held in the 7 & 8 W. 3. seventh and eighth years of his present Majesty, intituled, An act for the more effectual preventing the exportation of wooll, and for the encouraging the importation thereof from Ireland, amongst other things it is enacted, That the hundred out of which any wooll shall be exported, be liable to such penalties and forfeitures as is mentioned in the said act; but the hundred of *Winchelsea* in the cinque parts being divided by a navigable arm of the sea, so that the inhabitants on the one side thereof cannot be privy to or prevent what is done by those of the other side; be it therefore enacted by the authority aforesaid, That the said hundred of *Winchelsea* shall be deemed and taken, in respect to the said act, as two distinct hundreds (that is to say) the part of the one side of the said arm of the sea as one hundred, and the part on the other side as one other intire hundred; and the penalties, which may be forfeited for suffering such exportation, shall affect, charge, and be levied on that part only of the said hundred which lies on the same side of the said arm of the sea, out of which such exportation was made and permitted; any thing in this or any other act to the contrary notwithstanding; provided nevertheless, That nothing in this act shall be construed to extend to divide the said hundred into any other particular but in this only.

Hundred of *Winchelsea* to be taken as two distinct hundreds, &c. as to wooll,

C A P. XLI.

An act for the better preventing the imbezlement of his Majesty's stores of war, and preventing cheats, frauds, and abuses, in paying seamens wages.

WHEREAS notwithstanding divers good laws made and enacted, for the preventing of the stealing and imbezlement of his Majesty's stores of war, and naval stores, those frauds, thefts, and imbezlements are frequently practised, and the convicting of such offenders is rendered difficult and impracticable, by reason it rarely happens that direct proof can be made of such offender's immediate taking, imbezling, or carrying away any of his Majesty's said stores of war and naval stores, out of or from his Majesty's store-houses, docks, yards, ships, ordnance, or other places for keeping and preserving the same, but only that such goods are marked with the King's mark, and found in the custody and possession of the said person accused for stealing or imbezling the same, to the great encouragement of such wicked offenders, and to his Majesty's and the kingdom's great damage: for preventing such imbezlements for the future, and for the more effectual execution of the laws and statutes already in force against such imbezlements, and thefts, be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in parliament assembled, and by the authority of the

1 Geo. 1. c. 25.
9 Geo. 1. c. 8.

No warlike or
naval stores,
except for the
King's use
shall be made
with the
King's marks,
&c.

same, That from and after the four and twentieth day of *June*, one thousand six hundred ninety eight, it shall not be lawful to or for any person or persons whatsoever, other than persons authorized by contracting with his Majesty's principal officers or commissioners of the navy, ordnance, or victualling office for his Majesty's use, to make any stores of war or naval stores whatsoever, with the marks usually used to and marked upon his Majesty's said warlike and naval or ordnance stores; that is to say, any cordage of three inches and upwards, wrought with a white thread laid the contrary way, or any smaller cordage, to wit, from three inches downwards, with a twine in lieu of a white thread, laid to the contrary way as aforesaid, or any canvas wrought or unwrought, with a blue streak in the middle, or any other stores with the broad arrow, by stamp, brand or otherwise, upon pain that every such person or persons, who shall make such goods so marked as aforesaid, not being a contractor with his Majesty's principal officers or commissioners of the navy, ordnance, or victuallers for his Majesty's use, or employed by such contractor for that purpose as aforesaid, shall for every such offence forfeit such goods, and the sum of two hundred pounds, together with costs of suit; one moiety whereof shall be to his Majesty, and the other moiety to the informer, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, privilege, protection, wager of law, injunction, or order of restraint, nor more than one imparlance shall be allowed.

Penalty.

Penalty on
person in
whose custody
such marked
stores are
found, &c.

II. And be it further enacted by the authority aforesaid, That such person or persons, in whose custody, possession, or keeping such goods or stores marked as aforesaid shall be found, not being employed as aforesaid, and such person or persons who shall conceal such goods or stores; marked as aforesaid, being indicted and convicted of such concealment, or of the having such goods found in his custody, possession or keeping, shall forfeit such goods, and the sum of two hundred pounds, together with the costs of prosecution, one moiety to his Majesty, and the other moiety to the informer, to be recovered as aforesaid, and shall also suffer imprisonment, until payment and performance of the said forfeiture, unless such person shall, upon his trial, produce a certificate under the hand of three or more of his Majesty's principal officers or commissioners of the navy, ordnance or victuallers, expressing the numbers, quantities or weights of such goods, as he or she shall then be indicted for, and the occasion and reason of such goods coming to his or her hands or possession.

Unless he pro-
duce a certifi-
cate, &c.

By 9 Geo. 1.
c. 8, s. 3 & 4.
the penalty of
this act may be
mitigated.

Penalty on
personating
any seaman, or
forging letter
of attorney,
bill of sale, or
last will, &c.
This clause en-
forced and ex-

III. *And forasmuch as divers wicked persons, during the late war and since, for lucre and gain have personated seamen, who have really served, or are supposed to have served on board his Majesty's ships, and thereby have received divers sums of his Majesty's money at the pay office, or elsewhere, of his Majesty's officers appointed for payment of his Majesty's fleet and ships, in deceit, as well of his Majesty, as of the persons who have really served on board any of his Majesty's ships, and have also for such wicked purposes forged and counterfeited*

divers

divers letters of attorney or bills of sale, assignments or last wills, in plaind by the name or names of persons who have really served, or were supposed to have served on board his Majesty's said ships, and have and do also procure daily, divers men and women to personate, and divers wicked persons do of their own accord personate the wives, relations or creditors of such seamen, who have, or are supposed to have, served on board of his Majesty's ships, and thereby have falsly taken out letters of administration to such seaman or seamen, having served, or supposed to have served on board of his Majesty's ships, or have forged and counterfeited letters of attorney, bills of sale, or other authorities, in the names of the executors or administrators of such seamen, for the receipt of such wages as were due, or supposed to be due, to such seamen, having served, or supposed to have served as aforesaid: For the prevention of which said wicked practices for the future, be it enacted, That all and every such person or persons, his, her or their aiders or abettors, that shall be convicted of the said crimes and offences, committed from and after the said four and twentieth day of June, shall for every such offence, over and above the penalties to be inflicted by any laws now in force, forfeit the sum of two hundred pounds, together with the costs of prosecution, one moiety to his Majesty, the other moiety to the informer, to be recovered as aforesaid, and shall also suffer imprisonment until payment of the said forfeiture.

IV. Provided also, and be it further enacted by the authority aforesaid, That the said principal officers or commissioners of the navy, ordnance or victualling office for the time being, may sell and dispose of any of the stores aforesaid, so marked as aforesaid, as they did or might have done before the making of this act; and that such person or persons as heretofore have or shall hereafter buy any such stores, or other stores so marked as aforesaid, of the said principal officers or commanders, or by their order, may keep and enjoy the same without incurring the penalty of this act, or any law to the contrary whatsoever, upon producing a certificate or certificates under the hand and seal of three or more of the said principal officers or commissioners of the navy, ordnance or victualling office, that they bought such goods from them the said principal officers or commissioners, or from such person or persons as did buy the said stores from the said principal officers or commissioners at any time before such stores were found in their custody; in which certificate or certificates the quantities of such stores shall be expressed, and the time when and where bought of the said commissioners, who, or any three or more of them for the time being, are hereby impowered and directed, from time to time, to give to such person or persons who shall desire the same, and have bought, and shall hereafter buy any of the aforesaid stores, within thirty days after the sale and delivery of the said stores so sold or to be sold as aforesaid.

Commissioners of the navy, ordnance, &c. may sell any of the said stores so marked, &c.

Buyer to have a certificate thereof, &c.

quantities to be expressed.

V. And for the better encouragement of such persons who shall make seizures or discoveries of any such stores imbezilled or stolen; be it enacted by the authority aforesaid, That in case any Person sued may plead the general issue, &c.

any person or persons shall be sued or prosecuted for or by reason of their discovering or seizing any such stores or goods so marked as aforesaid, that in every such case, such persons so sued or prosecuted may plead the general issue, and give this act and the special matter in evidence: and in case that upon the trial of such issue the defendants so sued shall make proof, that such goods or stores, so discovered or seized by them, were so marked as aforesaid, and that the plaintiffs or prosecutors in such suit or prosecution shall not at such trial make good proof that they were so employed, or had such certificate as aforesaid, before such discovery and seizure made, and that they did shew the same unto such defendants before such suit or prosecution commenced or brought, such defendant shall be acquitted and found not guilty thereupon; unless such defendants, upon sight of such certificate, did not deliver back unto such plaintiffs or prosecutors, at their request, or otherwise, all such goods and stores so seized, in as good plight and condition, as they were at the time of such certificate shewn; and in case any such defendants shall be so or otherwise acquitted on such trial, and that such plaintiffs or prosecutors shall discontinue such their suit or prosecution, or be nonsuited therein, such defendants shall recover treble costs.

Geo. 3. c. 14.
§. 10.

No seaman's will contained in the same instrument with a letter of attorney, shall be good.

Ecclesiastical court, &c. to take only 1 s. for suing forth letters of administration to the wife, &c. of any seaman dying in the King's navy, unless the goods, &c. amount to 20 l.

King's stores may be lent to

VI. And whereas it is necessary that seamen should appoint attornies who may receive their pay in their absence, but of late an evil practice is introduced, that in the letters constituting such attornies, there is added a clause purporting a will made by such seamen, whereby they make their attornies their executors, and give their whole estate, or great part thereof, the seamen being ignorant of the efficacy and consequence of such a clause, whereby the relations and families of such seamen as are killed at sea often suffer great loss: for preventing such inconveniency for the future, be it enacted by the authority aforesaid, That from and after the said four and twentieth day of June, no will of any seaman contained, printed or written in the same instrument, paper or parchment, with a warrant or letter of attorney, shall be good or available in law to any intent or purpose whatsoever.

VII. Provided also, and be it further enacted by the authority aforesaid, That no ecclesiastical court, or any person or persons whatsoever, under any pretence, do take or receive any more than the sum of one shilling for the seal, writing, or suing forth any letters of administration granted, or hereafter to be granted, to the wife or children of any seaman whatsoever, dying in the pay of his Majesty's navy, unless the goods and chattels of such seaman do amount to the sum of twenty pounds: and if any officer or officers shall presume to take any more than the sum of one shilling, the person or persons so offending shall forfeit to the party grieved the sum of ten pounds, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record, or elsewhere.

VIII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed

contrived to hinder any the principal officers and commissioners of the navy, or any chief commander of any of his Majesty's ships at sea, to lend any of his Majesty's stores to any merchant ship or vessel in distress, or otherwise, as might lawfully be done before the making of this act, in case such goods so lent be restored with all possible conveniency; and provided such person or persons so borrowing the said stores, from time to time, have such certificate as aforesaid, which the said principal officers and commissioners of the navy, or commander in chief, are hereby required to give to the party or parties that shall so borrow the same. *This made a publick act by 1 Geo. 1. sess. 2. cap. 25. sect. 14.*

any ship in distress,

so they be restored.

Borrower to have a certificate.

CAP. XLII.

An act for enlarging the time for registering of ships, pursuant to the act for preventing frauds, and regulating abuses, in the plantation trade. **EXP.**

CAP. XLIII.

An act for the better encouragement of the royal lustring company, and the more effectual preventing the fraudulent importation of lustrings and alamodes.

WHEREAS the manufacture of black lustrings and alamodes, set up by the royal lustring company, hath been very advantageous and beneficial to this kingdom, by employing great numbers of the poor, and preventing the exportation of our coin for purchasing of those commodities in foreign parts: and whereas notwithstanding the several bounties made for the encouragement of the said manufacture, and for the preventing the importation of such foreign silks without paying the duties charged thereon, great quantities of the said foreign silks have been brought into this kingdom, without paying any duty or custom for the same; by means whereof the said royal lustring company have been very much discouraged in the carrying on the said manufacture: for remedy whereof, and that the said company may have all due encouragement to enable them to proceed in so good an undertaking, be it enacted, and it is hereby enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of July, in the year of our Lord one thousand six hundred and ninety eight, no foreign silks called or known by the name of *Alamodes* or *Lustrings*, shall be imported or brought into any port or place whatsoever within the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, other than the port of *London* only; and that notice shall be given to the commissioners or chief managers of the customs in the said port of *London* for the time being, of the quality and quantity, with the marks, numbers, and package of all such silks intended to be imported, with the name of the importer, and the name of the ship, and her burthen, and the name of the master or commander on which they are to be laden, and the place or port where the same are to be shipped or taken on board, and a licence shall be taken under the hands of the com-

No foreign alamodes or lustrings to be imported into *England*, &c. but in the port of *London*, &c.

Licence to be taken for importing the same.

commissioners or chief managers of the customs in the said port of *London* for the time being, or any three of them, for the lading and importing of the same as aforesaid, which licence they are hereby authorized and required to grant without any fee or reward, or any other charge to the persons demanding the same.

Commissioners to seal alamodes, &c. imported,

II. And for the better preventing the fraudulent importation of such silks, without paying the duties which are or shall be due and payable for the same; be it enacted by the authority aforesaid, That the commissioners or chief managers of the customs in the said port of *London* for the time being, shall and are hereby authorized and required, from time to time, to mark and seal, or cause to be marked and sealed, all such alamodes and lustrings, which shall, from and after the said first day of *July*, be imported according to the directions of this act, and to

and keep an entry thereof.

keep, or cause to be kept an entry or registry thereof in the custom-house in the said port of *London*, in a book to be provided for that purpose only, which said entry or registry shall be made without any fee or reward, before the said goods be delivered out of the custom-house warehouse: and in case any of

Alamodes, &c. brought into any other port forfeited,

the said silks shall be imported or brought into any port or place whatsoever within this realm, other than the port of *London*, or shall be imported without such notice first given, and licence taken out as aforesaid, and the duties paid for the same, or shall not be so sealed and marked as aforesaid, such silks, or the full value thereof, shall be forfeited; and all such silks, which shall be seized and forfeited by virtue of this or any former act, shall be sold and exported, and the same rules and methods shall be observed in the selling and exporting thereof, as are mentioned and contained in an act made in the eighth and ninth years of the reign of his present Majesty, intituled, *An act for the further encouragement of the manufacture of lustrings and alamodes within this realm*.

and to be sold, and exported again.
8 & 9 W. 3.
c. 36.

Penalty on person importing alamodes, &c. contrary to this act.

III. And for the better preventing the importation of the same, in relation to silks therein directed to be exported, and all and every person and persons whatsoever, who shall import, bring or convey, or cause or procure to be imported, brought or conveyed into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, any alamodes or lustrings, contrary to the true intent and meaning of this act, or who shall knowingly receive or take the same into his, her or their house, warehouse, custody or possession, or shall sell, barter, or offer to sale, or cause to be sold or bartered, or offered to sale any such foreign silks so fraudulently imported, and all and every their aiders, abettors and assistants knowing thereof, shall forfeit and lose the sum of five hundred pounds.

Officers in the King's service taking on board or importing alamodes, &c.

IV. And be it further enacted by the authority aforesaid, That if any commission or warrant officer, or other person, who now is, or hereafter shall be, in the service of his Majesty, his heirs or successors, and shall have the command or charge of any ship or vessel whatsoever, shall import, bring, send, or convey,

vey, or cause, procure, or suffer to be imported, brought, sent, or conveyed, or take or load on board, any alamodes or lustrings, in order to be imported into this kingdom, or shall unship, or suffer to be unshipped into any barge, hoy, boat or other vessel, any such silks, knowing thereof, he shall, over and above the forfeitures and penalties to which he is liable by this or any other act, be *ipso facto* rendred incapable of serving his Majesty, his heirs and successors, either by sea or land, or of having or receiving any benefit or advantage which he shall or may be intitled to by virtue of such service; and if any seaman, mariner, or other person or persons whatsoever, belonging or which shall belong to any ship or vessel, shall discover any alamodes or lustrings, which shall be imported, brought, sent, or conveyed in any ship or vessel whatsoever into this kingdom, or which shall be unshipped into any barge, hoy, boat, or other vessel, either at sea, or in any harbour, creek, or bay in this kingdom, in order to be imported, contrary to the true intent and meaning of this act, such person or persons making such discovery, shall (over above such part of the forfeitures and advantages to which he or they shall be intitled by virtue of this act) be immediately discharged from his or their service on board such ship or vessel, if he or they shall desire the same; and the captain or master of such ship or vessel shall immediately give him or them a ticket or tickets, certificate or certificates, which shall intitle him or them to all the wages due to him or them, for his or their service on board such ship or vessel.

made incapable of the King's service, &c.
Reward to mariner or other making discovery.

V. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall alter, counterfeit, or misapply, any or either of the seals or marks now used, or which shall or may be used, at the custom-house, for the sealing and marking alamodes and lustrings, according to the directions in this or any other act, or which now are or shall be used by the said royal lustring company, for the marking and sealing the goods made, or which shall be made; by them, the offender and offenders, and all and every their aiders, abettors, and assistants, shall for every such offence forfeit and lose the sum of five hundred pounds, and shall be adjudged to stand in the pillory in some publick place for the space of two hours; and all and every person and persons, who shall buy or sell, or have in his, her, or their custody or possession, any alamodes or lustrings, which are or shall be sealed or marked with a counterfeit seal or mark, or which shall have any seal or mark used or to be used at the custom-house, or by the royal lustring company, thereunto affixed or put, which hath not been affixed and put thereto at the custom-house, or by the said company, knowing thereof, and not discovering the same, shall forfeit the goods so sealed or marked, and also the sum of one hundred pounds. And for the better discovering and seizing of the said silks so fraudulently imported, or not sealed and marked according to the directions in this act, or which shall be sealed or marked with any counterfeit seal or mark, as aforesaid, it shall and may be law-
ful

Penalty on person altering or counterfeiting the seal or mark of the custom-house, or royal lustring company,

or buying or selling alamodes, &c. so sealed.

Person authorized may go into any shop, warehouse, &c. and seize alamodes, &c. not marked. In case of resistance may break open doors, &c. Justices of peace to grant warrant to searcher, &c.

In case of dispute proof to lie on importer, &c.

Officers to aid in execution of this act.

Penalty on officer conniving at fraudulent importation of alamodes, &c.

Offenders, &c. to forfeit

ful to and for any person or persons whatsoever, authorized by writ of assistance under the seal of his Majesty's court of *Exchequer*, or with a constable or other publick officer inhabiting near unto the place, with a warrant from a justice of the peace, and in the day-time, to enter and go into any house, shop, cellar, warehouse, or room, or other place whatsoever, to search for and seize any alamodes or lustrings, imported contrary to this or any other act, or not sealed and marked as aforesaid, or which shall be sealed or marked with any counterfeit seal or mark; and in case of resistance, to break open doors, chests, trunks, and other package whatsoever, there to seize, and from thence to bring to his Majesty's warehouse any of the said silks so fraudulently imported, or not sealed and marked as aforesaid; and every justice of the peace is hereby impowered and required to grant such warrant to any credible person or persons, making oath that he or they have reason to suspect or believe, that there are some of the said silks so fraudulently imported, or not sealed and marked, as aforesaid, or which are sealed or marked with some counterfeit seal or mark, in the place or places where he or they intend to search; and if any question, dispute, or doubt shall arise, whether any such silks, as aforesaid, imported, found, seized, received, sold, bartered, or offered to sale or barter, as aforesaid, or any part thereof, were made or manufactured in parts beyond the seas, or whether the same were imported contrary to the true intent and meaning of this act, the proof shall be incumbent only upon the importer, claimer, owner, proprietor, seller, barterer, or such person or persons in whose hands or custody the said silks shall be found respectively, and not upon the informer, seizer, or prosecutor.

VI. And be it further enacted by the authority aforesaid, That all officers belonging to the customs, and all sheriffs, mayors, bailiffs, constables, and other officers, shall be aiding and assisting in the effectual execution of this act: and that if any officer or person of or belonging to the customs, shall willingly or knowingly connive at the fraudulent importation, delivering, receiving, buying, or selling of any alamodes or lustrings, contrary to the true meaning of this act; or if such officer, or any informer, or other person or persons, shall take upon him or them to seize any the said silks, or prosecute any person or persons, upon or by virtue or by means of this act, or any other act, and shall by fraud or collusion desist or delay the prosecution to condemnation of the said silks, or any part thereof, after seizure or stay of the same, or the prosecution of any person or persons, for any offence against this or any other act, relating to the fraudulent importation of such silks, or the not sealing and marking such silks imported; he or they so desisting or delaying shall forfeit and lose the sum of five hundred pounds, and be incapable of holding any office or employment under his Majesty, his heirs and successors.

VII. Provided always, and be it hereby enacted by the authority aforesaid, That for the more effectual prosecution of the offences

offences and offenders against this act, all and every person and persons whatsoever, that shall be convicted for any offence against this act, or any other law relating to alamodes or lustrings, and shall afterwards offend a second or any more time or times, such person or persons (after conviction) shall, so often as he or they shall so offend, forfeit and pay double the sum inflicted or imposed by this act. double for every offence.

VIII. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall be guilty of any offence or offences contrary to the true intent and meaning of this act, or any other act relating to alamodes and lustrings, shall and may be prosecuted for any such offence or offences, in any action, suit or information, and thereupon a *Capias* in the first process, specifying the sum of the penalties sued for, shall and may issue; and such person or persons shall be obliged to give good and sufficient bail and security by natural born subjects, persons naturalized, or denizens, to the officer serving or executing the writ or process on or against him, her, or them, to appear in the court out of which such writ or process shall issue at the day of the return of such writ or process, to answer such suit or prosecution, and shall, at the time of such appearance, give sufficient bail or security by such persons as aforesaid, in the said court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he, she, or they shall be convicted thereof, or to yield his, her, or their bodies to prison. How offenders shall be prosecuted, &c.

IX. And for the encouragement and better enabling all such (whether officers of the customs or others) that shall effectually put this act in execution, it is hereby further enacted by the authority aforesaid, That all the penalties and forfeitures hereby or by any former law relating to alamodes or lustrings given or imposed, or which shall arise or accrue in respect thereof, or for the importing, conveying, delivering, receiving, buying, or selling of any alamodes or lustrings, shall be distributed and divided in manner following (that is to say) two third parts thereof to his Majesty, his heirs and successors, and the remaining third part to such person or persons as shall seize or sue for the same; the charge of which suit or prosecution shall be borne by his Majesty, his heirs and successors, out of his Majesty's part of the said forfeitures and penalties; any law, statute, custom or usage to the contrary notwithstanding: and further, that it shall and may be lawful for any person or persons to sue for and prosecute, and to recover the forfeitures and penalties inflicted or imposed by this present act, or by any other act, relating to alamodes or lustrings, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, or wager of law shall be allowed, nor more than one imparlance; and that all and every person and persons that shall seize or stay any of the said silks, or prosecute any of the offences or offenders against this or any other act relating to alamodes or lustrings, may lay his How penalties and forfeitures are to be recovered and divided.
or

or their information or action, and try the same, in such place or places, and use such and the like method and course of proceedings, in prosecuting and condemning of the said silks, as are, have been, or may be used in or about the seizing, condemning, or prosecuting of any goods or commodities for non-payment of customs or other duties, or any person or persons for offending against any of the laws or statutes relating to the customs.

Before claims entred, person to give security for answering the penalties, &c.

By 5 Annæ, c. 20. s. 4.

Claimers are only to give security for the costs, &c.

And in default goods forfeited.

X. And for the avoiding of fraud and delay in prosecuting to condemnation such silks seized as aforesaid, by entring vexatious claims thereto, be it further enacted, That before any person or persons shall be admitted to enter a claim to any of the said silks, he, she, or they shall be obliged to give good and sufficient security by recognizance, to be entred into before one of the barons of the court of *Exchequer*, or some judge of the court where such claim shall be entred, to answer and pay the penalties and forfeitures incurred by virtue of this act, with full costs of suit, if, upon a trial or other determination in law, a verdict shall pass, or judgment shall be entred, for the plaintiff; and in case default shall be in giving such security within the time limited by the rules of the court for entring claims, then the said goods shall be adjudged forfeited, and judgment entred accordingly.

General act.

XI. And for the preventing of disputes touching this act, be it further enacted by the authority aforesaid, That the same, and every clause and thing therein contained, shall be deemed, adjudged, and taken to be a general law; and that it shall and may be lawful to shew or set forth the same, or any clause thereof in pleading; and that the same and all and every clause therein contained, shall be construed most largely and beneficially for the advantage of the prosecutor, and for the preventing of all the mischiefs and abuses herein provided against; and further, That if any person or persons shall be sued, molested, or prosecuted for any thing done by virtue and in pursuance of this act, such person and persons shall and may plead the general issue, and give this act and the special matter in evidence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff shall discontinue his action, or be nonsuited, or judgment shall be given against him upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff.

Person sued may plead the general issue.

Treble costs.

Action to be brought in two years after offence committed.

XII. Provided always, That all informations, actions, and suits to be brought by any informer for any offence against this act, shall be brought and commenced within two years after the offence committed; any former act to the contrary thereof in any wise notwithstanding.

XIII. And whereas the King's most excellent majesty, together with the late Queen (of blessed memory) by their letters patents or charter under the great seal of England, bearing date the fifteenth day of October, in the fourth year of their said Majesties reign, reciting or taking notice, that several persons therein named did obtain
the

*the late King James the Second's letters patents, bearing date the three and twentieth day of November, in the fourth year of his reign, for the sole use, exercise, and benefit of a new invention of making, dressing, and lustrating of silks, called plain black alamodes, renforcez, and lustrings, for the term of fourteen years from the day of the date of the said letters patents, their said Majesties did, for the encouraging so commendable an undertaking, give, grant, constitute, declare, and appoint Thomas earl of Pembroke and Montgomery, and several other persons in the said charter mentioned and contained, and such others, as should be admitted into their society, to be from thenceforth one body corporate and politick, in deed and in name, by the name of The Royal Lustring Company, for making and dressing of alamodes, renforcez, and lustrings in England, and by that name to have perpetual succession; and divers and sundry privileges, liberties, powers, and authorities, with other matters and things in the said charter of incorporation mentioned and expressed, were thereby granted to, and vested in, the said company, and their successors, in such sort, manner, and form, as in and by the said charter, or letters patents, or inrollment thereof, is mentioned and expressed, and as thereby it more fully appears: and forasmuch as the said company have with great labour and charges brought the said manufacture to perfection, but by reason of the fraudulent importation of alamodes and lustrings by divers persons, more regarding their own interest, than the welfare of England, their duty to the King, and obedience to the laws of the land, the said company have not enjoyed the benefit and advantage intended them in and by the said charter, but wasted their time and stock, in contesting with many difficulties and obstructions, which they have met with since the granting thereof: and it appearing that the said manufacture cannot be so well carried on, and secured to this kingdom, by any other means, as by establishing a company to carry the same; be it therefore enacted by the authority aforesaid, That the aforesaid company, and their successors, shall and may at all times from henceforth stand, continue, and be a body politick and corporate in deed and in name, by the name of *The Royal Lustring Company*; and that the said company, and their successors, shall and may have, do, use, exercise, and enjoy all and singular the liberties, privileges, powers, authorities, matters, and things in the said letters patents, or charter of incorporation, mentioned to be granted to them, as amply, fully, and largely, to all intents, constructions, and purposes, as if the same were word for word recited and set down at large in this present act.*

Royal lustring company and their successors to be a body corporate, &c. and enjoy all liberties, privileges, &c. mentioned in the letters patents.

XIV. And be it further enacted by the authority aforesaid, That the said royal lustring company, and their successors, shall have the sole use and benefit of making alamodes, &c. for 14 years. and may have and enjoy the sole use, exercise, and benefit of making, dressing, and lustrating of plain black alamodes, renforcez, and lustrings, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, for and during the term of fourteen years, to be reckoned and accounted from the four and twentieth day of *June*, one thousand six hundred ninety eight, and from thence to the end of the next sessions of

parliament; any thing in the said letters patents made and granted by the said late King *James*, or in the said letters patents, or charter of incorporation, made and granted by his present Majesty and the said late Queen, or any law or statute to the contrary thereof in any wise notwithstanding.

XV. *And whereas the said royal lustring company have seventeen bails of fine Italian thrown silk in Amsterdam, which were brought thither over land before the conclusion of the peace, and were designed to be imported into this kingdom, to be used in the manufacture of alammodes and lustrings; but by reason of several difficulties and obstructions, which the said company have met with in the said manufacture, the said silk could not be imported within the time limited by law for the importation thereof; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the said company to import into this kingdom the aforesaid seventeen bails of silk, at any time before the twenty ninth day of September next, they paying the duties to his Majesty, which by law are to be paid for the same; any law or statute to the contrary in any wise notwithstanding.*

Company may
import 17
bails of silk
from Amsterdam,
paying
the duties.

CAP. XLIV.

An act for raising a sum not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies.

Most gracious Sovereign,

For the further continuance of the East India company, see 6 Annæ, c. 17. 10 Annæ, c. 28. 5 Geo. 1. c. 21. 7 Geo. 1. stat. 1. c. 21. 9 Geo. 1. c. 26. 3 Geo. 2. c. 14. These duties on salt were repealed by 3 Geo. 2. c. 20. s. 1. but revived for other uses by 5 Geo. 2. c. 6.

WE your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, considering your Majesty's extraordinary occasions, and being desirous to supply the same in such manner, as may be least grievous to your Majesty's subjects, do humbly present your Majesty with the further gift of the impositions, rates, and duties, herein after mentioned; and do beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That there shall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, raised, levied, collected, and paid unto his Majesty, his heirs and successors, for salt, the several additional rates and duties herein after mentioned (over and above all other duties already payable for the same by any act or acts of parliament before this time made and now in force) that is to say,

An additional duty of 5 d. per gallon on salt imported, from 1 July, 1698, to 25 Decem. 1699,

II. For every gallon of salt, that from and after the first day of *July*, one thousand six hundred ninety eight, and before the five and twentieth day of *December*, which shall be in the year of our Lord one thousand six hundred ninety nine, shall be imported into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, the sum of five pence of lawful *English* money,

money, to be paid by the importer and importers thereof, and after that rate for a greater or lesser quantity.

III. And for every gallon of salt, that from and after the four and twentieth day of *December*, which shall be in the year of our Lord one thousand six hundred ninety and nine, and in all times coming from thenceforth for ever, shall be imported, as aforesaid, there shall be paid to his Majesty, his heirs and successors, as a perpetual duty, the sum of seven pence of like money, to be paid by the importer and importers thereof, and after that rate for a greater or lesser quantity.

and 7 d. per gallon from 1 July, 1698. to 25 Decem. 1699. for ever.

IV. And for every gallon of salt and rock salt, that from and after the said first day of *July*, one thousand six hundred ninety eight, and before the five and twentieth day of *December*, which shall be in the year of our Lord one thousand six hundred ninety nine, shall be made at the salt works, or taken out of any salt pit or pits within the said kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, or sold or delivered from the same, there shall be paid to his Majesty the sum of two pence halfpenny of like money, and after that rate for a greater or lesser quantity.

For home made salt, from 1 July, 1698. to 25 Decem. 1699. 2 d. halfpenny per gallon,

V. And for every gallon of salt and rock salt, that from and after the four and twentieth day of *December*, one thousand six hundred ninety nine, and in all times coming from thenceforth for ever, shall be made at the salt works, or be taken out of any pit or pits within the kingdom, dominion, or town aforesaid, there shall be paid to his Majesty, his heirs and successors, as a perpetual duty, the sum of three pence halfpenny of like money, and after that rate for a greater or lesser quantity; which said duties upon salt hereby granted, shall nevertheless be subject to such condition and power of redemption as are hereafter in this act contained.

and from 24 Decem. 1699. 3 d. halfpenny per gallon for ever. Subject nevertheless to redemption. See 6 Annæ, c. 17. s. 5.

VI. And be it further enacted by the authority aforesaid, That the several duties hereby set on all foreign and imported salt, shall be from time to time satisfied and paid by the merchant or merchants, importer or importers of the same, in ready money, upon his or their entry or entries made, and before the landing thereof; and that in case any foreign or imported salt shall be landed or put on shore out of any ship or vessel from beyond the seas, before due entry be made thereof, with the collector or officer appointed or to be appointed for the said duties on salt, in the port or place where the same shall be imported, or before the duties hereby imposed be fully satisfied and paid, or without a warrant for the landing or delivering of such imported salt, first signed by the hand of the said collector or officer for the said duty on salt, in the said port and place respectively, that all such imported salt as shall be landed, put on shore, and delivered contrary to the true intent and meaning hereof, or the value thereof, and also ten shillings for every bushel of such salt so landed, put on shore or delivered, and so in proportion for any greater or lesser quantity, shall be forfeited and lost; nevertheless, that all and every person and persons importing

Duty on foreign salt to be paid by importer.

Imported salt landed before entry, &c. forfeited, and also 10 s. per bushel.

Importer to have 6 months for payment.

And 10l. per cent. for ready money.

These six enlarged to 9 months by 5 Annæ, c. 29. f. 5.

Duties to be managed by commissioners of excise.

1 Ann. st. 1. c. 21. f. 26.

any salt into this kingdom, for which the aforesaid duties are payable by this act, shall have six months time for the payment thereof, from the time of the importation, giving security to the person appointed to collect the same; and in case such importer shall pay ready money, he shall have after the rate of ten pounds per centum per annum out of the said duties abated him.

VII. And be it further enacted by the authority aforesaid, That all the said duties on salt shall, from time to time, for ever, be within the receipt, management and government of the chief commissioners and governors of the receipt of excise for the time being; and that all collectors and other officers necessary for the ascertaining, collecting or receiving of the said duties upon salt, shall be constituted and appointed under the hands and seals of the said commissioners and governors of the receipt of excise for the time being, or the major part of them, and that all penalties and forfeitures by this act imposed, concerning the said duties upon salt, shall be sued for, recovered, levied and received, or mitigated, by the same means, rules, ways and methods, as any penalty or forfeiture is to be sued for or recovered, as is mentioned, expressed, or directed to be recovered in and by one act of parliament made in the twelfth year of the reign of the late King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service, and purveyance, and settling a revenue on his Majesty in lieu thereof*, or by any other law or statute now in force relating to the revenue of excise, and that as fully and amply to all intents, as if the several clauses in the said acts or any of them contained were herein re-enacted or repeated.

Makers and proprietors of salt to make true entries with officers.

VIII. And be it enacted, That all makers and proprietors of salt, and rock salt, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall from time to time make true entries with the said officers so to be appointed as aforesaid, some or one of them, of the quantities of salt so by them made or taken out of any pit or pits, and delivered or imported as aforesaid; and shall likewise have a warrant or ticket under the hand and seal of some one of the said officers, empowering such maker or proprietor of salt to carry away the same, before such time as the said salt made or taken out of any pit or pits, within any the places aforesaid, or any part thereof, shall be removed or carried from the respective salt works or pits, under the several penalties and forfeitures herein after mentioned; which said warrant the said officers are hereby required to give *gratis*, and without delay, unto the said makers or proprietors of such salt, upon payment or giving security for the payment of the duties hereby granted within six months after such entry made; which security the said commissioners and officers are hereby authorized and required to accept upon such entry as aforesaid.

And have six months for payment.

And an allowance of 10l. per cent. per Ann. for ready money.

IX. Provided always, That if any person or persons, at the time of the entry and delivery of his or their salt, shall pay down the duty hereby imposed, such person or persons shall be allowed

allowed at the rate of ten pounds *per centum per annum* for the same.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said officers so appointed, to seize all such salt, which shall from and after the said first day of *July*, one thousand six hundred ninety eight, be conveying or conveyed by day or by night, either by land or by water, before due entry be made of such salt, without warrant, ticket or licence, obtained from the commissioners of the said duties upon salt granted by this act, their collectors or officers, or some or one of them as aforesaid, for the conveying or carrying the said salt; and the salt that shall be so seized shall be brought to the office appointed for the same duties, next adjoining to the place where such salt shall be so seized, there to be detained and kept; and in case the salt so seized, shall not be claimed by the true and lawful owner thereof, or by one deputed under his or their hand, within ten days after seizure, the said salt shall be absolutely forfeited to his Majesty, his heirs and successors, and shall be sold the next general day of sale to be appointed by the commissioners, or their officers respectively, after the said days are expired, the one moiety or half part of the proceed thereof, (all necessary charges being first deducted out of the whole) to be paid to the use of his Majesty, his heirs and successors, and the other moiety or half part to be paid to the party or parties who seized the same; and in case such salt so seized shall be claimed within ten days by the true and lawful owner thereof, or by one deputed thereunto under his hand, and if the said owner or claimer shall nevertheless neglect or refuse to make, it appear before the next justice of the peace of the county where such seizure shall be made, by the oath of one or more credible witnesses (which oath the said justices are hereby empowered to administer) that the said salt so seized was or had been duly entered, and a warrant, ticket or licence obtained for the carrying and conveying the same as aforesaid, that then the said salt shall likewise be forfeited to his Majesty, his heirs and successors: and every person who shall carry or convey, or cause any salt to be carried and conveyed, before due entry made, and warrant or licence obtained as aforesaid, shall likewise forfeit to his Majesty, his heirs and successors, double the value, and also ten shillings *per* bushel, and after that rate, of and for such salt so carried and conveyed.

Officers may seize salt conveying away before entry made,

and if not claimed in 10 days, to be forfeited and sold.

And if claimed without proof on oath, that the same was duly entered to be forfeited.

Penalty on persons carrying away salt before entry made.

XI. And be it further enacted, That no retailer or shop-keeper shall be permitted to ship any salt, to be sent to any port or place within this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, before he hath made it appear by oath, or otherwise, before the commissioners for collecting of the said duties granted by this act, or their officers, or some or one of them (which oath they have hereby power to administer) that the duty of such salt is paid or secured to be paid, or that it was bought of some other retailer or shop-keeper that hath paid the duty.

Oath to be made, that duty is paid or secured, before salt be shipped.

Master of ship
to deliver par-
ticular to col-
lector on oath.

Provisions for
boats, &c. car-
rying salt to be
reshipped by 5
Geo. 1. c. 18.
f. 25.

XII. And be it further enacted, That all and every master and commander of any ship or vessel whatsoever, that from and after the said first day of *July*, one thousand six hundred ninety eight, shall transport or carry any salt, or rock salt, from one port to another within this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall, before he or they have any warrant for the landing or delivering of such salt (by him transported and carried on shore in any port) deliver to the officers for collecting the said duties granted by this act, in the said port appointed to receive the same, a true particular of the quantity so transported and carried as aforesaid, signed by the officers for collecting the said duties granted by this act, and by the officers of the customs, of the port from whence the said ship or vessel came; and then the master or his mate, or the boatswain of such ship or vessel, shall make oath before the commissioners for collecting the said duties granted by this act, or their officers, or some or one of them (who are hereby impowered to administer the same) that to his knowledge there hath not been laid on board, or taken into the said ship or vessel, any salt since he or they came from such port as aforesaid: and in case such ship or vessel be to deliver one part of her salt at one port, and another part at another port or ports, that then the officers for collecting the said duties, and the officers of the customs, when such part of the said salt shall be delivered, shall certify on the backside of the cocquet, *Transfire*, or other warrant, or else by certificate alone, under the hands and seals of the officers, how much, and what quantity of the salt mentioned in the cocquet, *Transfire*, or other warrant, from the port from whence such ship and vessel came, hath been there landed and delivered, upon the penalty of forfeiting double the value of the salt that shall be otherwise delivered, and likewise ten shillings *per* buthel, and after that rate as aforesaid.

No fee to be
taken for de-
bentures, &c.

XIII. And be it further enacted, That no fee or reward be had or taken for making, issuing or granting any debentures, tickets, warrants, or licences, concerning the duties upon salt, but that the same be made, issued, and granted *gratis*, and without delay.

Allowances to
be made for
fish exported,
viz.

XIV. Provided always, and be it enacted by the authority aforesaid, That for all such fish hereafter mentioned, as shall be exported from any port or place in this kingdom, dominion of *Wales*, or town of *Berwick upon Tweed*, into parts beyond the seas, by any person or persons whatsoever, the rates or sums of money hereafter expressed, shall by virtue of this act be allowed and paid (over and above the allowances for fish by any former acts now in being) that is to say,

For every cask
of pilchards or
scads, &c. 28 s.

XV. For every cask or vessel of pilchards or scads, containing fifty gallons, which shall be exported after the said first day of *July*, one thousand six hundred ninety eight, and before the five and twentieth day of *December*, which shall be in the year of our Lord one thousand six hundred ninety nine, the sum

sum of twenty shillings : and for every such cask or vessel of pilchards or scads, which shall be so exported after the four and twentieth day of *December*, one thousand six hundred ninety nine, at any time or times whatsoever, the sum of eight and twenty shillings, and so proportionably for a greater or lesser quantity.

XVI. For every barrel of white herring, which shall be exported after the said first day of *July*, one thousand six hundred ninety eight, and before the five and twentieth day of *December*, one thousand six hundred ninety nine, the sum of four shillings and two pence : and for every such barrel of white herring, which shall be so exported, at any time or times after the four and twentieth day of *December*, one thousand six hundred ninety nine, the sum of five shillings and ten pence, and so proportionably for a greater or lesser quantity of white herrings. White herring
5 s. 10 d. per
barrel.

XVII. For every barrel of red herring, which shall be exported after the said first day of *July*, one thousand six hundred ninety eight, and before the five and twentieth day of *December*, one thousand six hundred and ninety nine, the sum of three shillings and four pence : and for every barrel of red herring, which shall be exported at any time or times after the four and twentieth day of *December*, one thousand six hundred ninety nine, the sum of four shillings and eight pence, and so proportionably for any greater or lesser quantity of red herrings. Red herring,
4 s. 8 d.

XVIII. For every barrel of salmon, which shall be exported after the said first day of *July*, one thousand six hundred ninety eight, and before the five and twentieth day of *December*, one thousand six hundred ninety and nine, the sum of eight shillings and four pence : and for every barrel of salmon, which shall be exported at any time or times, after the four and twentieth day of *December*, one thousand six hundred ninety and nine, the sum of eleven shillings and eight pence, and so proportionably for a greater or lesser quantity of salmon. Salmon, 11 s.
8 d.

XIX. And for every hundred of codfish, ling, or hake, which shall be exported after the said first day of *July*, one thousand six hundred ninety eight, and before the five and twentieth day of *December*, one thousand six hundred ninety and nine, the sum of five and twenty shillings : and for every hundred of codfish, ling, or hake, which shall be exported at any time or times, after the four and twentieth day of *December*, one thousand six hundred ninety and nine, the sum of five and thirty shillings, and so proportionably for a greater or lesser number or quantity. Codfish, ling,
or hake, 35 s.
per 100.

XX. For every last of dried red sprats, which shall be exported after the said first day of *July*, one thousand six hundred ninety eight, the sum of six shillings and eight pence, and so proportionably for a greater or lesser quantity. Dried red
sprats, 6 s. 8 d.
per last.

XXI. Which allowances by this act shall be paid by the officer appointed to collect the duties upon salt payable by this act, in the same port from whence any such fish shall be exported, within thirty days after demand thereof, on a debenture to be To be paid in
the port from
whence ex-
ported.

be prepared by the collector of the customs, in the port where such fish shall be entred out for exportation, and verified by the person executing the office of searcher in such port, as to the quantity of fish actually shipped; and that the oath of the exporter or agent be first taken before the principal officers of the said port, before the debenture be allowed, who are hereby required and impowered to give the said oath, that the fish in such debenture mentioned were *English* taken, and really exported to parts beyond the seas, and not intended to be relanded in *England*, *Wales*, or *Berwick*; for which debenture no fee or reward shall be taken. And in case the officer hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then upon certificate thereof by him made (which certificate he is hereby required to give the party *gratis*, and without delay) the principal commissioners for managing the revenue of excise of his Majesty, his heirs and successors, for the time being, shall be chargeable with the said payment, to be made in course out of the first money in their hands arising out of the said duties upon salt; and any officer neglecting or refusing to pay the said money, or to give such certificate, as is here directed, shall forfeit double the sum so to be paid to the party grieved, to be recovered by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

Officers to deliver certificates *gratis*.
By 2 & 3
Annæ, c. 14.
s. 9.
this is declared to extend to salt exported to Scotland, &c.

XXII. Provided always, and be it enacted by the authority aforesaid, That if any person or persons shall export beyond the seas, any salt, as well foreign as *English*, or any rock-salt, the officer of the place where the said salt was made, taken out of pits, or imported, and the duty thereof paid or secured to be paid, shall, upon demand, deliver *gratis*, and without delay, a certificate under his hand and seal, that the duty imposed by this act on such salt, hath been duly paid or secured to be paid; and then the officer of the place where the salt is exported, upon producing the said certificate, and oath made of shipping off the said salt, and of its not being relanded in *England* or *Wales*; shall give a debenture under his hand, without delay, fee, or reward, for repayment of the said duty; which being produced to the officer of the place where the duty on the said salt shall have been paid or secured to be paid, such security shall be discharged, and all and every sum and sums of money, paid for the duty of the said salt by this act, shall be repaid, upon demand, by the said officer without fee or reward.

Salt not made in *England*, *Wales*, or *Berwick*, to pay as foreign.

Scotch salt to be entred at *Carlisle* or *Berwick*.

XXIII. And be it further enacted and declared, That all salt imported or brought by sea or land into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, and not of the product of any of the said places, shall be adjudged and deemed to be foreign salt imported, and shall be charged as such with the higher duties by this act charged upon salt imported; and that all *Scotch* salt brought into *England* by land shall be entred at *Carlisle* or *Berwick*, with the officer or officers for that purpose there to be appointed, under the penalty or forfeiture

forfeiture of double the value of, and after the rate of ten shillings *per* bushel for, such salt so brought in.

XXIV. Provided always, and be it enacted, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, he or they shall or may plead the general issue, and give this act in evidence for his defence; and if upon a trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs be nonsuit, discontinue, or forbear prosecuting the said actions, then such defendant or defendants shall have double costs to him or them awarded against such plaintiff or plaintiffs, for which costs he shall have such remedy, as in other cases where costs are by law given to defendants.

Persons sued on this act may plead the general issue, &c.

XXV. Provided also, and be it enacted, That no writ or writs of *Certiorari* shall supersede execution or other proceedings upon any order or orders made by the said chief commissioners or justices of the peace, concerning the said duties upon salt, in pursuance of this act, but that execution and other proceedings shall and may be had and made thereupon; any such writ or writs or allowance thereof notwithstanding.

No writ of *Certiorari* to supersede the orders of the commissioners, &c.

XXVI. And be it enacted, That no salt shall be delivered from any salt works or pits, without notice first given to the officer appointed for that purpose, upon pain of forfeiting of the salt so delivered, and after the rate of ten shillings *per* bushel for the same, to be recovered from the owner or owners of the salt works or pits, where such salt shall be so delivered, the one moiety or half-part of which forfeitures to be to the use of the prosecutor, and the other moiety or half-part to the use of his Majesty, his heirs, and successors.

No salt to be delivered without notice given to officer, &c. Penalty.

XXVII. And be it further enacted by the authority aforesaid, That if any of the salt, for which the duty shall have been repaid or discharged upon the exportation thereof, as is herein before directed, shall (by fraud or otherwise) be landed in *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, before the duty be again paid, and such entry, and all other things performed, as are herein before required, in case where any foreign salt is imported, every person so offending shall forfeit double the value (and after the rate of ten shillings *per* bushel) of such salt so landed, and such other penalties and forfeitures as are herein inflicted upon any person, who shall land any foreign salt contrary to the true intent and meaning of this act.

Penalty on person landing salt after duty has been repaid, before the duty be again paid.

XXVIII. And be it further enacted by the authority aforesaid, That if any merchant or other person, being a subject of this realm of *England*, shall ship any salt, or rock-salt, that shall have paid the duty to his Majesty, his heirs or successors, by this act imposed, to convey it by sea to any part of *England*, and the vessel on which such salt as aforesaid is shipped shall either perish at sea, or be taken by enemies with such salt on board her, that in such case any merchant or person, owner of the said salt, shall, upon proof made before the justices of the peace at the quarter sessions held for the county, riding, division, or town, wherein he doth inhabit, of the loss of such salt so shipped,

Allowance to subjects of *England* exporting salt which perished at sea, &c.

shipped, receive from the said sessions a certificate that such proof was made before them; and upon producing the said certificate to any of the officers appointed to collect the duty by this act imposed, the said officer or officers are hereby required to let such persons buy the like quantity of salt, as is expressed in the certificate to be lost, without paying to his Majesty, his heirs or successors, any duty or excise for the same; any thing in this act contained to the contrary notwithstanding.

Salt after entry may be removed to convenient warehouses.

XXIX. Provided also, and be it enacted, That it shall and may be lawful for the owners and proprietors of any salt-rock or rock-salt, to remove and carry out of and from the pits or warehouses adjoining to or belonging to such pits, into his or their own warehouses, or other places for storing thereof, for conveniency of selling or shipping off the same, any of the said salt-rock or rock-salt, after due entry made thereof, and a warrant or ticket taken for the same, from the officer next to such salt-pits; which warrant or ticket the said officer is hereby required upon demand to give without fee or reward, as aforesaid; and that the said owners or proprietors shall not be obliged to pay or secure the payment of the said duty, until such time as the said salt-rock or rock-salt shall be sold and delivered as aforesaid.

Contract before 25 Dec. 1698. void. Exception.

XXX. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall be obliged, by virtue of any contract made at any time before the five and twentieth day of *December*, one thousand six hundred ninety eight, to deliver any salt or rock-salt, unless the person who is to receive the same, shall, before or at the time of delivery of the same by such contract, pay to the seller thereof such sum or sums as he shall have paid, or secured to pay, for so much of the duties thereupon as are imposed by virtue of this act.

Rock-salt to be entred by weight. 120 lb. wt. to a bushel.

And whereas salt-rock, or rock-salt, taken out of pits in such great lumps that cannot be measured without breaking the same to powder, would be great loss to the proprietors thereof; be it therefore enacted, That all salt-rock or rock-salt, taken out of pits, shall be entred by weight only; and that one hundred and twenty pounds weight thereof shall be deemed and taken to be a *Winchester* bushel, of eight gallons *Winchester* measure, and shall be entred, rated, and taxed accordingly.

Refiners of rock-salt, to have an additional abatement of 2 s. 4 d. per bushel.

XXXI. And to the intent that salt made by melting and refining of rock-salt may not, contrary to the true intent and meaning of this act, be charged more than other *English* salt; be it further enacted by the authority aforesaid, That where any such rock-salt shall be melted and refined, which had before paid the duty imposed by this act, according to the direction of the same, the person who shall make such salt by refining, shall (over and above his allowance by any former act) receive, by virtue of this act, an allowance and abatement of the duty on the salt by him so made, after the rate and proportion of two shillings and four pence for every bushel of such rock-salt, so melted and refined, which had paid the duty, as aforesaid, and being

being weighed in the presence of the officer before melted down, and oath being first made before some justice of the peace, near adjoining to such salt-works, of the particular quantities of the said rock-salt so by him employed in making the said salt by refining, which oath the said justice of the peace is hereby empowered to administer, and upon due proof, by oath or otherwise, made of the payment of the duty imposed by this act.

XXXII. Provided always, and be it enacted, That it shall and may be lawful to and for his Majesty, his heirs and successors, or to or for the commissioners of the treasury, or any three or more of them, or the treasurer of the Exchequer for the time being, out of the said duties arising upon salt by this act, to cause such sum and sums of money to be expended and paid from time to time, for salaries or other incident charges, as shall be necessary in and for the receiving, collecting, levying, or managing of the same duties upon salt; any thing in this act contained to the contrary notwithstanding.

Charge of management to be paid out of the duties.

XXXIII. And it is hereby declared and enacted by the authority aforesaid, That all salt made from rock-salt (allowing the drawback for the same, as in this act is mentioned) and all refined salt, or salt made from salt, either imported or made in *England*, is and is intended to be charged and chargeable with the said duties by this act granted; any thing herein contained to the contrary notwithstanding.

What salt is intended to be charged.

XXXIV. And to the end the said duties upon salt may be equally paid, it is hereby declared and enacted by the authority aforesaid, That all salt at all salt-works and salt pits (rock-salt excepted) shall be ascertained, as to the payment of the said duty by this act, at the rate of fifty six pounds weight to the bushel, and no more.

All salt (except rock-salt) to be ascertained at 56 lb. wt. to the bushel.

XXXV. And be it further enacted and declared by the authority aforesaid, That all salt, whether brought from *Scotland* by land, and also all imported salt, whether the same be of the product or manufacture of this kingdom, or of the dominion of *Wales*, or town of *Berwick upon Tweed*, brought in, landed, or put on shore, before due entry made with the officers appointed to receive the same, and payment of the duties by this act imposed, shall be forfeited, and after the rate of ten shillings *per* bushel for such salt, to be recovered from the offender (to wit) one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to him or them that shall or will seize, inform, or sue for the same; any thing in this act to the contrary in any wise notwithstanding.

Scotch salt, and all imported salt, landed before due entry, forfeited, &c.

XXXVI. And for the better ascertaining the said duties on salt, according to the bushel of fifty six pounds weight, herein before declared, in all parts and places where any salt-work or salt-pit is or shall be; be it enacted by the authority aforesaid, That every collector or officer, appointed to receive and collect the said duties upon salt, shall provide, at every such salt-work or salt-pit, a sufficient beam, scale, and weights, or steelyard, and shall have liberty to fix the same in some convenient place

Collectors to provide scales at every salt-work.

in

in or about such salt-work, or salt-pit, for the weighing all salt that shall be delivered from such salt-work or salt-pit; and that one or more person or persons (as occasion shall require) living in or near such salt-work or salt-pit, shall be admitted and sworn to the due and true weighing all salt from thence to be delivered, before one or more justice or justices of the peace near adjoining (which oath he or they are hereby impowered to administer) without fee or reward; and such weigher and weighers shall be satisfied and paid for their pains in weighing such salt by the said collector or officer for the said duties.

Officers to deliver as many warrants or permits to salt carriers as they desire, gratis.

XXXVII. *And whereas the carriers of salt do frequently load several horses with salt at one salt-work, and at one time, for which they have had but one warrant or permit, and are often obliged, for convenient carriage of the said salt to several places, to separate the said horses, and to drive them several roads, by which means some of the said salt may be liable to seizure: for the prevention therefore* of such inconveniences to the said carriers, it is hereby enacted, and the said officers are hereby strictly charged and required to deliver *gratis*, and without delay, such and so many several warrants or permits to each carrier of salt as he shall demand, for such several horse-loads of salt, as he shall load at one time, and at one salt-work.

56 lb. wt. a bushel of salt.

XXXVIII. And be it enacted by the authority aforesaid, That all persons selling salt made for use (except foreign salt) shall sell the same after the rate of fifty six pounds weight to the bushel, and not otherwise, and so in proportion for a greater or lesser quantity; and that every person offending therein, shall for every such offence forfeit the sum of five pounds to the informer, to be sued for and recovered in such manner, as other forfeitures by this act are to be sued for and recovered.

Lord mayor of London, &c. to ascertain the price of salt in London, and bills of mortality,

and the justices of peace in other places.

XXXIX. And for the preventing of exactions upon sale of salt in this kingdom, and to have the rates and prices thereof ascertained; be it further enacted and declared by the authority aforesaid, That the lord mayor and court of aldermen of the city of *London* shall and may (and are hereby required, in the court of aldermen within the city of *London*, upon or before the tenth day of *July*, in the year of our Lord one thousand six hundred ninety eight) set, ascertain, and publish in writing, certain reasonable rates and prices upon all salt, to be sold or exposed to sale after the said tenth day of *July*, in the city of *London* and precincts thereof, and the bills of mortality; and that the respective justices of the peace for the respective counties, ridings, divisions, cities and places, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall and may (and are hereby required, upon or before the first day of *August*, in the year of our Lord one thousand six hundred ninety eight, at the several and respective general sessions of the peace for the said several and respective counties, ridings, divisions, cities and places, wherein they are or shall be justices of the peace) set, ascertain, and duly publish in writing, certain reasonable rates and prices upon all salt to be sold

or

or exposed to sale, after the said first day of *August*, one thousand six hundred ninety eight, within the said several and respective counties, ridings, divisions, cities and places, wherein they are or shall be justices of the peace; and that the lord mayor of *London*, and the said court of aldermen in the court of aldermen, and that the said respective justices of the peace of the several and respective counties, ridings, divisions, cities and places aforesaid, as aforesaid, at the several and respective general sessions of the peace for the said several and respective counties, ridings, divisions, cities and places, wherein they are or shall be justices of the peace, shall and may, and are hereby required from time to time (if necessary) at the several and respective general sessions of the peace for the said several and respective counties, ridings, divisions, cities and places, from and after the said first day of *August*, one thousand six hundred ninety eight, by writing duly made and published, alter and correct the rates and prices of all salt to be sold and exposed to sale in the said several and respective places; which rates and prices which shall be so set, ascertained, altered and corrected, are hereby enacted and required to be observed, accepted, received and taken, by all and every person and persons selling or exposing to sale any salt within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*; and if any person or persons shall sell any salt at any higher price or rate, or refuse to sell any salt at the prices and rates aforesaid, such person and persons so offending, shall for every such offence forfeit and pay the sum of five pounds, to be levied out of the goods and chattels of such offender or offenders, by distress and sale thereof, by warrant under the hand and seal of the lord mayor of the city of *London*, or of any justice or justices of the peace for the place or places wherein such offence shall be committed, or distress shall be to be made: and in default of sufficient distress for the same, it shall and may be lawful, by warrant under the hand and seal from the lord mayor of the city of *London*, or from any justice of the peace as aforesaid, to imprison the said offender or offenders, until such offender or offenders shall pay the said sum of five pounds, one moiety of which sum of five pounds is hereby enacted to be paid to the use of our sovereign lord the King, and the other moiety thereof to be paid to such person or persons as shall inform and prosecute for the same before the said lord mayor of *London*, or the said respective justices as aforesaid.

Penalty on
persons selling
at higher
prices.

XL. And whereas in and by one other act of this present session of parliament, intituled, An act for granting to his Majesty, his heirs and successors, further duties upon stamped vellum, parchment and paper, several rates, impositions, duties, charges, and sums of money therein particularly expressed, are to be paid for and upon such matters and things as are therein mentioned, for ever, but subject to such power of redemption, as in and by any other act of this session of parliament was or should be declared or provided concerning the same: and whereas it is thought reasonable for the satisfaction, recompence, and encouragement of such persons and corporations (the corporation

9 & 10 W. 3.
c. 25.

corporation of the bank of England only excepted) as will voluntarily contribute and advance monies for or towards the raising the sum of two millions of pounds sterling, for the supply of his Majesty's extraordinary occasions, to settle and establish a good, sure, and lasting fund, out of which the said persons and corporations contributing or advancing money as aforesaid, and their executors, administrators and assigns respectively, may have, receive and enjoy certain annuities or yearly payments, to be computed after the rate of eight pounds per centum per annum, for the monies so by them to be contributed or advanced, and such special benefit of trade, and other advantages as are hereafter in this act expressed; subject nevertheless to such power of redemption, as in this act is provided in that behalf: be it therefore enacted, and it is hereby enacted by the authority afore-

The duties on salt by this act granted, are to be kept apart, and paid weekly into the Exchequer:

8 Ann. c. 4.

f. 12.

9 Ann. c. 23.

f. 48.

said, That the commissioners and governors of the revenue or receipt of excise for the time being, at the head office in London, from time to time, shall separate and keep apart all and every the sum and sums of money arising by the several rates and duties for or upon salt, and rock-salt, by this act granted, as the same shall from time to time arise, or be paid into the said office of excise by the receivers or collectors of the same, or by any other person or persons whatsoever; and that the chief commissioners for marking and stamping of vellum, parchment and paper, or for managing the duties thereupon for the time being, shall at their head office cause to be separated and kept apart in like manner, all and every the monies arising by the respective rates and duties granted by the act before mentioned, for and upon vellum, parchment and paper, as the same shall from time to time arise or be paid into their office: and as well the said commissioners and governors of excise, as the said commissioners for the said duties upon vellum, parchment and paper respectively for the time being, are hereby required and strictly enjoined from time to time, for ever, to pay weekly, to wit, on *Wednesday* in every week, if it be not a holiday, and if it be, then the next day after that is not an holiday, all and every the monies arising, as well by the several and respective rates and duties hereby granted for or upon salt and rock-salt, as the said several duties granted or payable by the act herein before mentioned, for and upon stamped vellum, parchment and paper respectively, into the receipt of the Exchequer of his Majesty, his heirs and successors, distinct and apart from all other monies which the said commissioners shall severally receive for the use of his Majesty, his heirs or successors.

A register to be kept thereof.

XLI. And be it further enacted by the authority aforesaid, That there shall be, from time to time, for ever, provided and kept in the Exchequer (that is to say) in the office of the auditor of the receipts, several books, in which all the monies which ought to be paid in weekly as aforesaid, and which shall be brought into the same receipt, shall be entred apart and distinct from all other monies paid or payable to his Majesty, his heirs and successors, upon any account whatsoever.

XLII. And

XLII. And be it further enacted, That if the said commissioners of excise, or the said commissioners for the duties on vellum, parchment and paper for the time being respectively, shall refuse or neglect to pay, or cause to be paid into the Exchequer, all or any the sums appointed to be paid by them severally as aforesaid, in such manner as they are respectively required by this act, or shall divert or misapply any part of the same, then they and every of them so offending, shall forfeit their several offices and places, and shall be incapable to serve his Majesty, his heirs or successors, in any office or place of profit or trust whatsoever, and shall be liable to pay double the value of all and every sum and sums of money, so diverted or misapplied, to any person or persons, bodies politick or corporate, who shall be intitled to any annuity or payment out of the fund by this act settled, and will sue for such forfeiture by action of debt, or of the case, bill, suit or information, founded upon this act, in any court of record of his Majesty, his heirs or successors, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed.

XLIII. And be it further enacted by the authority aforesaid, That the head office of excise, and the chief office for the said duties upon vellum, parchment and paper, shall for ever be continued, with a sufficient number of commissioners, and a comptroller in either of them, for performing and executing such matters and things as are by this act enjoined to be done or performed by such commissioners and comptrollers respectively, according to the true meaning hereof.

XLIV. And be it enacted, That the respective comptrollers in the said offices for the time being, shall keep perfect and distinct accounts in books fairly written, of all the monies which shall arise of or for the said duties upon salt, and of or for the said duties upon vellum, parchment and paper respectively, as the same shall from time to time arise or be raised; to which books all persons concerned shall have free access at all seasonable times without fee or charge; and if any such comptroller as aforesaid, shall neglect his duty therein, then he or they for such offence shall forfeit his office or place, and be rendered incapable as aforesaid, and shall also forfeit the sum of one hundred pounds to any person or persons, body politick or corporate, intitled to any annuity or payment by this act, and that will sue for the same as aforesaid.

XLV. And be it further enacted, That if any collector or receiver of any the duties by this act granted upon salt, or rock-salt, or of any the further duties granted by the act before mentioned, for or upon vellum, parchment and paper, shall detain all or any part of the monies by him collected or received contrary to his duty, then he or they for such offence shall be dismissed from his employment, and be charged with interest for the same, after the rate of twelve pounds *per centum per annum*, and be liable to answer treble damages to all and every person and persons, bodies politick and corporate, that shall be grieved by

and for misap-
plying any
part thereof.

by such detention; and if any collector or receiver of any the said duties upon salt, rock-salt, vellum, parchment and paper, shall divert or misapply all or any part of the monies by him collected or received, contrary to the true meaning of this act, then he or they for every or any such offence shall be dismissed from his employment, and rendered incapable to serve his Majesty, his heirs and successors as aforesaid, and shall moreover forfeit double the sum or sums so by him or them diverted or misapplied, to any person or persons, bodies politick or corporate, who shall be intitled to any annuity or payment out of the fund by this act settled, and will sue for the same as aforesaid.

160,000 l. out
of the said ad-
ditional du-
ties, &c. to be
the yearly fund
for answering
annuities of
8 l. per cent. to
the subscribers
of 4,000,000 l.
See to Annex,
c. 28.
Weekly pay-
ments not a-
mounting to
so much, then
to be part of
the said fund,
&c.

Appropriation
of these
additional du-
ties, &c.

Penalty on of-
ficers of the
Exchequer not
issuing, or mis-
applying the
monies, &c.

XLVI. And be it enacted by the authority aforesaid, That yearly and every year, reckoning the first year to begin from the nine and twentieth day of *September*, which shall be in the year of our Lord one thousand six hundred ninety eight, the full sum of one hundred and sixty pounds, by or out of the monies to arise by the said several duties, as well upon salt, and rock-salt, by this act granted, as upon vellum, parchment and paper, granted by the act as aforesaid, and every of them, and to be brought into the receipt of Exchequer, by weekly or other payments as aforesaid (in case the same payments shall extend thereunto) shall be the whole and entire yearly fund; and in case the said weekly or other payments shall not amount to one hundred and sixty thousand pounds *per annum*, then the said weekly monies or payments, so far as the same will extend, shall be part of the yearly fund, for and towards the answering and paying the several and respective annuities or yearly payments in this act hereafter expressed.

XLVII. And be it further enacted, That all the sums of money arising by the said several duties upon salt, rock-salt, vellum, parchment, and paper, as aforesaid, which shall be from time to time brought into the receipt of Exchequer, or so much thereof as shall be sufficient to make up and compleat the said yearly fund of one hundred and sixty thousand pounds, or the proportionable part thereof, to be payable in respect of the monies which shall be actually advanced in pursuance of this act, shall be appropriated, set apart, and applied, and the same are hereby appropriated for and towards the raising and making good of the said yearly fund, or such proportionable part of the same, and shall be issued and paid out of the said receipt of Exchequer, by the respective officers of the same, without any fee or charge, and without any further or other warrant, to be sued for, had, or obtained from his Majesty, his heirs or successors, in that behalf, and shall be applied to and for the uses and purposes in and by this act expressed and intended, and to no other use, intent, or purpose whatsoever; and that the respective officers in the Exchequer, who shall make any delay in issuing or paying the said money to the said uses by this act intended, or shall be guilty of diverting or misapplying any of the said monies to any other use or purpose, contrary to this act,

act, for any such offence shall be forejudged from their respective offices and places, and be rendred incapable to serve his Majesty, his heirs and successors, as aforesaid, and also shall be liable to pay double the value of any sum or sums so delayed to be paid, or so diverted or misapplied, as aforesaid, to any corporation, or other person or persons that shall be grieved thereby, and who shall sue for the same, to be recovered as aforesaid.

XLVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by commission under the great seal of *England*, to authorize and appoint any number of persons to take and receive all such voluntary subscriptions, as shall be made on or before the said nine and twentieth day of *September*, one thousand six hundred ninety eight, by or for any person or persons, natives or foreigners, bodies politick or corporate (the governor and company of the bank of *England* only excepted) of any sum of money whatsoever, not less than one hundred pounds, for and towards the raising and paying into the said receipt of Exchequer the sum of two millions: which commissioners are hereby ordered and directed, as soon as conveniently they can, to provide and prepare one or more convenient house or houses within the cities of *London* and *Westminster*, or one of them, to be the publick office or place, offices or places, to which all or any persons shall or may resort for the making of the said subscriptions, and to give such publick notice thereof, as they the said commissioners, or any five or more of them, shall think will most conduce to the promoting the said subscriptions: and the said commissioners for taking subscriptions are hereby directed, as soon as conveniently may be, to provide, or cause to be provided, one or more book or books made of vellum or parchment, for the said subscriptions to be made thereupon; which book or books shall from thenceforth lie open every day in the week (*Sundays* only excepted) at the said publick office or offices as aforesaid daily, and from the hour of eight to the hour of twelve in the morning, and from the hour of two to the hour of six in the afternoon of each day, until the said nine and twentieth day of *September*, one thousand six hundred ninety eight, unless the subscriptions for the whole sum of two millions shall be sooner compleated; and that it shall and may be lawful to and for his Majesty, by his commission aforesaid, to direct the commissioners how and in what manner they shall proceed to execute the same, in all matters and things relating to this service, and by the same commission, or by letters of privy seal, or by any instrument under his Majesty's royal sign manual, to appoint from time to time the said commissioners, or any number of them, by themselves or their cashier or cashiers (the said cashier or cashiers being first approved by his Majesty under his royal sign manual, and giving security to his Majesty for the due performance of his or their trust or trusts) to receive for his Majesty's use the several payments of the monies

King may appoint commissioners for taking subscriptions from any persons (except the bank of England) for two millions.

A cashier to be appointed.

Sums (not less than 100l.) may be subscribed,

and answered by ten equal payments.

Each subsequent payment to be made at the end of every two months.

Last payment liable to make good any deficiency in the produce of the said duties.

First payment not made at the time of subscribing, such subscription void. Subsequent payments not complied with, the first tenth part to be forfeited, and

nies, which shall be so subscribed, to be paid by any person or persons, bodies politick or corporate, as aforesaid.

XLIX. And be it enacted by the authority aforesaid, That during the time hereby limited for taking the said subscriptions, it shall and may be lawful to and for all and every person and persons, natives and foreigners, bodies politick and corporate, by and for themselves, or any of them, or by themselves, or any of them, in trust for any other person or persons, bodies politick and corporate, or any of them (except as aforesaid) freely to subscribe any sum of money (not less than one hundred pounds) for or towards the said sum of two millions; and all the monies so to be subscribed shall be answered and paid, by the respective subscribers thereof, to such as shall be appointed to receive the same for his Majesty's use, in manner following; that is to say, one full tenth part (the whole in ten equal parts to be divided) of every sum of money so subscribed by or for any person or persons, or by or for any body politick or corporate respectively, shall be paid by him or them to his Majesty's use, as aforesaid, at or before the time of making each subscription respectively; and that one other tenth part of every sum so subscribed shall be paid, in like manner, at or before the end of two months next after the time hereby limited for the first payment, as aforesaid (which time of two months shall be reckoned to consist of sixty days) and so onwards at the end of every such two months successively, one full tenth part of every sum so subscribed shall be paid to his Majesty's use, as aforesaid, until the full sum of every subscription shall be entirely cleared and paid off; nevertheless the last of the said payments upon every subscription, to be made as aforesaid, shall be subject and liable to make good any deficiency (if such should happen to be) which at any time or times, before the time hereby limited for making such last payment or payments, shall appear to be in the produce of the said duties hereby granted or appropriated, for answering so much as before the said time hereby limited for such last payment or payments, shall incur or grow due for or upon the yearly fund by this act settled or established, and so much out of the said last payments as shall be sufficient to answer and make good such deficiency (if any be) shall and may be defaulted, or otherwise applied to that use, although his Majesty's supply by this act intended be thereby lessened; any matter or thing herein contained to the contrary notwithstanding.

L. And it is hereby further enacted, That if any person or persons, bodies politick or corporate, who shall have subscribed as aforesaid, do not pay down the first tenth part upon his or their subscription, or at the time of making thereof, as aforesaid, then every such subscription, without such payment, shall be utterly void and of none effect; and if any person or persons, body politick or corporate, who shall have subscribed as aforesaid, his, her, or their executors, administrators, successors, or assigns, having paid to the King's use any part or parts of the sum or sums so by him, her, or them subscribed, shall make default

default in any of the subsequent payments, which ought to be made by him, her, or them, upon such subscription respectively, then, and in every such case, the first tenth part paid down upon every such subscription shall be forfeited and lost to his Majesty; and the respective annuity or yearly sum, which shall be payable out of the said fund, for or in respect of such subscription, after the rate of eight pounds *per centum per annum*, shall be reduced, lessened, or proportioned, according to the money actually paid to his Majesty's use upon every such subscription respectively, after an abatement or deduction shall be made of the first tenth part, to be forfeited, as aforesaid. And to the end the said subscription monies so to be payable at several days and times, and by such proportions, as aforesaid, may be the sooner made use of for the supply of his Majesty's extraordinary occasions, the commissioners of his Majesty's treasury, or any three or more of them now being, or the treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to cause tallies of assignment, or tallies of anticipation for the same, or any part thereof, to be levied upon the commissioners, receiver or receivers general, or cashier, who shall be appointed or authorized to receive the same; and that an interest not exceeding the rate of eight pounds *per centum per annum* shall be annexed to, attend and go along with the principal monies contained in all and every such talley and tallies, to be paid every three months out of such subscription monies, from the date of every such talley, until satisfaction of the principal thereupon, and that the principal upon every such talley shall be paid in course, according to the date thereof respectively.

How tallies of assignment or anticipation may be levied. The said tallies to bear an interest of 8l. per cent. per ann.

LI. And be it further enacted by the authority aforesaid, That the said commissioners, to be nominated by his Majesty for taking subscriptions, as aforesaid, shall take care that the sums subscribed be written as well in words at length as in figures; and that the day of the month and year on which every subscription shall be made, be truly set and expressed against the same; and that the subscriptions, so to be made from time to time, be attested under the hands and seals of five or more of the commissioners who shall be present at the making of such subscriptions; and that the said commissioners, or any five or more of them, do, without delay, after the said nine and twentieth day of September, one thousand six hundred ninety eight, or after the said subscriptions for the said two millions shall be compleated (which shall first happen) make, or cause to be made, true duplicates or copies, fairly written in parchment, of the said whole book or books of subscriptions, and deliver the said duplicate or duplicates of the said book or books, attested by five or more of the said commissioners, into the office of the auditor of the receipt in the Exchequer, before the twentieth day of October, one thousand six hundred ninety eight at farthest; and the said auditor of the receipt is hereby authorized and required forthwith to register or enrol, and the clerk of the pells in the said receipt is hereby

Sums subscribed to be written in words at length, &c.

and attested.

Duplicates of the subscriptions to be returned into the Exchequer.

Auditor of the receipt and hereby clerk of the

pells to register the said duplicates.

All persons to have free access to the registers.

Copies of the books to be delivered to the commissioners, &c. gratis.

Subscriber to have an annuity after the rate of 8l. per cent. per ann.

To commence from Michaelmas, 1698. and be paid quarterly.

First payment. Subject nevertheless to redemption, &c.

Allowance to person paying down one tenth part of his subscription for prompt payment, &c.

hereby required forthwith to record, the said duplicate or duplicates, amongst the registers or records of their respective offices, that so it may appear how much shall have been subscribed, and by whom, and likewise how the said yearly fund, or a proportionable part thereof, is to be issued and applied by virtue of this act; and that every person concerned shall have free access at all seasonable times, and liberty to view and peruse the said register, enrolment, or record, without fee or charge; and that true copies of such book or books so enrolled and recorded, under the hands and seals of the said auditor of the receipt and clerk of the pells, shall be delivered by them *gratis* to the said commissioners, or any five or more of them, demanding the same, for the benefit of the said subscribers.

LII. And it is hereby further enacted, ordained, and declared by the authority aforesaid, That every person and body politick, who shall subscribe as aforesaid, and be named or contained in the said book or books, his, her, or their heirs, executors, administrators, successors, and assigns respectively, shall have, receive, and enjoy for ever, out of the fund by this act settled and provided, one annuity or certain yearly sum, for the whole sum by him, her, or them subscribed, according to the rate or proportion of eight pounds *per centum per annum*; that is to say, all and every person and persons, or corporation, subscribing one hundred pounds, shall be intitled to an annuity of eight pounds *per annum* out of the said fund, and so proportionably for higher or larger subscriptions; the same annuities or yearly payments to commence from the feast of Saint *Michael* the archangel, in the year of our Lord one thousand six hundred ninety eight, and to be paid and payable at the four most usual feasts in the year; that is to say, the feasts of the birth of our Lord Christ, the annunciation of the blessed Virgin *Mary*, the nativity of Saint *John Baptist*, and Saint *Michael* the archangel, by even and equal portions: the first payment thereof to be made at the feast of the nativity of our Lord Christ, one thousand six hundred ninety eight: which said annuities or yearly payments shall nevertheless be subject or liable to the condition and power of redemption hereafter in this act expressed; and also to the clause before in this act contained, for reducing or lessening such annuities, where failure shall be made in some of the payments of the subscription money for the same.

LIII. And for the further encouragement of the said subscribers, it is hereby also enacted, That every person or body politick, subscribing and paying down one tenth part of his or their subscription money, as aforesaid, shall and may out of the same default and recount, or shall be repaid (in consideration of his or their prompt subscription and payment) so much as an allowance after the rate of ten pounds *per centum per annum* doth amount unto, being computed upon his or their whole subscription money, from the day of making his or their subscription and first payment, until the feast of Saint *Michael* the archangel, one thousand six hundred ninety eight.

LIV. And

LIV. And it is hereby further enacted, That the respective commissioners, or such a number of them, or such cashier or cashiers, who shall be authorized by his Majesty to receive all or any the said payments upon the said subscriptions, for his Majesty's use, shall immediately, from time to time, give to the persons or corporations paying the same a receipt in writing for the several sums so received; and shall cause an entry thereof to be made in a book or books, expressing the day on which every payment shall be made, with the names and proper additions of those that make such payments; and deliver a true account, fairly written in parchment, of all the said receipts, attested by five or more of the said commissioners, into the office of the auditor of the receipt of Exchequer, on or before the four and twentieth day of *June*, which shall be in the year of our Lord one thousand seven hundred; and the commissioners of his Majesty's treasury, and the treasurer, and under treasurer of the Exchequer for the time being, are hereby impowered and commanded, out of any of his Majesty's treasure not appropriated by act of parliament, to issue and pay such sums as shall be necessary to be expended or laid out, as incident charges in the execution of such commission.

Commissioners or cashier to give receipts for the money they receive,

and enter the same, &c.

Account thereof to be delivered to the auditor of the receipt, &c.

Commissioners of the treasury to issue monies for incident charges, &c.

LV. Provided always, That any persons, so to be named commissioners, may be subscribers, and their subscriptions and payments shall and may be received by the other commissioners, or such of them as shall be appointed in that behalf.

Commissioners may be subscribers.

LVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by letters patents under the great seal of *England*, to incorporate all and every the person and persons, natives and foreigners, bodies politick and corporate, who shall so subscribe, or for whom such subscriptions shall be made, and upon whose subscriptions the first tenth part shall be paid as aforesaid, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors or assigns, or by any other lawful title, derived or to be derived from, by or under the said original subscribers, of or towards the said sum of two millions, at any time or times hereafter, shall have or be intitled to any part, share or interest of or in the yearly fund by this act settled as aforesaid, so long as they respectively shall have any such part, share, or interest therein, to be one body politick and corporate, by the name of *The general society intitled to the advantages given by an act of parliament, for advancing a sum not exceeding two millions, for the service of the crown of England*, and by that name shall have perpetual succession, and a common seal; and that they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess and retain, to them and their successors, lands, rents, tenements and hereditaments, of what kind, nature or quality soever, and also to sell, grant, demise, aliene or dispose of the same, and by the same name to sue and implead, be sued and impleaded, answer and be answered, in courts of record or any other place whatsoever,

King may incorporate the subscribers,

ever, and to do and execute all and singular other matters and things by the name aforesaid, that to them shall or may appertain to do; subject nevertheless to the proviso or condition of redemption, and to such restrictions and limitations, as are hereafter in this act expressed.

Sum total of all the subscriptions to be called The principal stock of the said corporation.

LVII. And it is hereby declared, That the sum total of all the said subscriptions shall be, and be called, *The principal stock* of the said general society, and all and every person and persons, his and their executors, administrators, successors and assigns, according and in proportion to the sum or sums by him, her or them respectively subscribed, shall have, and be deemed to have an interest or share in the said principal stock, and of and in the yearly fund hereby settled.

Subscribers to elect 24 trustees by way of balloting.

LVIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty to empower all and every person or persons, who shall severally or respectively have subscribed in the said book or books any sum or sums not less than five hundred pounds, and shall have severally paid one tenth part of the sum or sums so by them subscribed, their executors, administrators, successors or assigns, to assemble and meet together at the *Guildhall* within the city of *London*, at or upon the tenth day of *October*, one thousand six hundred ninety eight, or within twenty days after the subscription shall be compleated (which shall first happen) then and there to elect and choose the first trustees, to manage, govern, and direct the said general society, and they, or the major part of them so assembled, shall and may choose, by way of balloting, out of the whole number of subscribers (whereof none to have more than one vote) four and twenty persons, each of which shall severally have subscribed, in their own rights, the sum of two thousand pounds at the least, who shall be the first trustees of the said general society; which elections shall severally be determined by the majority of votes then present, by way of ballot as aforesaid, and if they be equal, then by his Majesty's commissioners for taking the said subscriptions, or the major part of them then present; which persons so to be elected, shall afterwards be inserted in his Majesty's charter of incorporation of the said general society, as the first trustees, for such time, and with such succession, and subject to such further qualifications, as his Majesty in such charter of incorporation shall be pleased to appoint; and that in such charter such further rules, powers and clauses for carrying on the said trade, and pursuing the ends and intent of this act, shall and may be inserted, as shall be lawfully and reasonably desired in that behalf.

No elector to have more than one vote. Each trustee to subscribe 2,000 l at least in his own right. Persons elected to be inserted in charter of incorporation.

If two millions be not subscribed, subscribers to have only a proportionable part of the yearly fund.

LIX. Provided always, and it is hereby further enacted, That in case the whole sum of two millions shall not be subscribed as aforesaid, before the said nine and twentieth day of *September*, which shall be in the year of our Lord one thousand six hundred ninety eight, that then the subscribers and contributors for and towards raising the said sum of two millions, their executors, administrators, successors and assigns, shall only have and receive

ceive so much, and such part and proportion of the said yearly fund, as shall be after the rate of eight pounds *per centum per annum*, for such sum or sums of money as shall be so respectively subscribed.

LX. And be it further enacted, That from and after the granting of the said letters patents for incorporation of the general society as aforesaid, the said yearly sum of one hundred and sixty thousand pounds as aforesaid, or so much thereof as shall be proportionable to the several sum or sums to be subscribed as aforesaid, shall be issued and paid to the said general society and their successors, or to such treasurer or receiver general, as they shall appoint by their common seal to receive the same; who shall from time to time have and receive the said monies, in trust for the several and respective members of the said general society, whether they be bodies politick or natural, according to the proportion of their several shares and interests in the general stock.

After charter is passed, yearly sum, or a proportionable part thereof, is to be paid to the general society, &c.

LXI. And be it enacted by the authority aforesaid, That in case the said whole sum of two millions, or one moiety, or any greater part of the said sum of two millions, shall be subscribed as aforesaid, on or before the said nine and twentieth day of *September*, one thousand six hundred ninety eight, that then and from thenceforth all and every the person and persons, natives and foreigners, bodies politick and corporate, by or for whom such subscriptions shall be made, and all and every person and persons, bodies politick and corporate, who as executors, administrators, successors or assigns, or by any other lawful title derived or to be derived from, by or under the said original subscribers, at any time or times hereafter, shall have or be intitled to any part, share or interest, of and in the yearly fund by this act settled as aforesaid, and of and in a proportionable part of the principal stock of the said general society, so long as they respectively shall continue to have any part, share or interest therein, and all and every person and persons, who for any time shall be licenced by such person or persons, bodies politick or corporate, to trade in the stead of them, or any of them, shall and lawfully may for ever hereafter, by themselves severally, or by such factors, agents or servants, as they severally shall think fit to intrust, freely traffick and use the trade of merchandize, in such places, and by such ways and passages, as are already frequented, found out, or discovered, or which hereafter shall be found out or discovered, and as they severally shall esteem and take to be fittest or best for them, into and from the *East Indies*, in the countries and parts of *Asia* and *Africa*, and into and from the islands, ports, havens, cities, creeks, towns and places of *Asia*, *Africa*, and *America*, or any of them, beyond the cape of *Bona Esperanza*, to the streights of *Magellan*, where any trade or traffick of merchandize is or may be used or had, and to and from every of them; which trade, traffick, or merchandizing, shall be and is by virtue of this act for ever limited and restrained, so and in such manner, as that no person or corporation hereby

If two millions be subscribed within the time limited, the subscribers, &c. may trade to the East Indies.

None to trade for more than the amount of his stock.

authorized to trade or traffick as aforesaid, shall in any one year (every year to be reckoned from the said nine and twentieth day of *September*, one thousand six hundred ninety eight) successively, by him or themselves, or by persons licenced to trade instead of them, or any of them as aforesaid, or by their respective factors, agents or servants, ship, lade, put on board, send or cause to be sent, or design to send to or for the *East Indies*, or other parts within the limits aforesaid, from *England*, or any other country or place whatsoever, any quantity of goods, wares, merchandizes, coins, bullion, or commodities whatsoever, of greater value than in this act are expressed; that is to say, the person or persons, or body politick, who shall be intitled to any annuity or yearly payment of eight pounds *per annum*, and consequently to a share of one hundred pounds in the principal stock of the said general society, for every such stock or share of one hundred pounds, shall or may by himself, or themselves, or others as aforesaid, ship, lade, put on board, or cause to be sent yearly for the said *East Indies*, or parts within the limits aforesaid, goods, wares, merchandizes, coins, bullion, or other commodities (being such as may lawfully be exported or sent thither) as shall amount in value to the sum of one hundred pounds; and every person and corporation intitled to a larger annuity out of the said yearly fund, and in that respect to a greater share than one hundred pounds in the said principal stock, shall and may yearly ship and send to the *East Indies*, and other parts within the limits aforesaid, a proportionable value in goods, or other things as aforesaid, after the said rate of one hundred pounds for every one hundred pounds stock.

Persons intitled to particular shares in the principal stock, may be incorporated into a company, to trade with a joint stock, &c.

by such proper name as his Majesty shall think fit.

LXII. And be it further enacted by the authority aforesaid, That if the said whole sum of two millions, or one moiety, or any greater part thereof, shall be subscribed on or before the said nine and twentieth day of *September*, one thousand six hundred ninety eight, and all or any corporations, or other person or persons, having particular shares or interests in the principal stock of the said general society, or in proportionable annuities, or yearly payments issuing out of the said yearly fund, shall be willing and desirous to unite or join together such their several shares and interests, and to be incorporated so as they may be able to manage their trade (in proportion to their interests) as a company, and by a joint stock, that then it shall and may be lawful to and for his Majesty, by letters patents under the great seal of *England*, to incorporate all such persons and corporations by such proper name as his Majesty, his heirs or successors shall think fit, to be one company, with power to manage and carry on their trade to the *East Indies*, and other the limits aforesaid, by a joint stock, and to have a perpetual succession, and a common seal, and with power to grant and take, sue and be sued, and to choose their own managers or directors, and officers, from time to time, and such other powers and clauses as shall be necessary or requisite for the carrying on of such trade, and shall be reasonable for his Majesty to grant; nevertheless such

com-

company, so to be created with power to trade with a joint stock as aforesaid, shall be restrained to such proportion of the trade in the whole, as all the particular members thereof would have been intitled to at the rate before mentioned, in case such new company were not made; and the directors or managers, and other members of the same, shall be subject to such further rules, qualifications and appointments, as his Majesty in their charter shall think necessary or reasonable to be inserted.

LXIII. Provided always, and it is hereby enacted, That after the incorporating of any such company to trade with a joint stock as aforesaid, the proportionable part or parts of the said yearly fund issuing out of the Exchequer, and belonging to the members of such new company, shall from time to time (under the like penalties, as aforesaid) be issued at the said receipt of the Exchequer, to such company, or to such treasurer or treasurers, as shall be appointed under their common seal to receive the same, in trust for the several and respective members of such company, according to their respective proportions or shares in the joint or united stock of such company; any thing in this act contained to the contrary notwithstanding: and that the payment thereof shall and may be made weekly, or as fast as the said duties shall produce money into the Exchequer for the same, so as by such weekly or other payments the whole of the annuities due to such company at the end of any one quarter be not exceeded.

After incorporating any such company, the proportionable part of the yearly fund belonging to the members thereof, is to be paid to the said company, &c.
See 10 Ann., c. 28.

LXIV. And it is hereby further enacted by the authority aforesaid, That all and every person and persons, who as a member or members of the said general society, shall have power to trade by or for himself, or themselves, and not in a company, in such measure or proportion as aforesaid, before he or they shall be allowed to exercise or make use of such power, shall take a corporal oath before two or more of the trustees for the said general society (who have hereby power to administer the same) that such members shall be faithful to the said general society, and (according to the best of his or her skill and understanding) give his or her advice, counsel, and assistance, for the support and good government of the said society, and that he or she will not at any time or times ship, lade, send, direct, or cause to be sent from *England*, or any other country, to the *East Indies*, or other the parts within the limits aforesaid, any goods, coins, or other merchandizes of greater value than such as he or she may lawfully send thither by this act; and that all and every person and persons, who shall be licenced to trade, as aforesaid, before he or they shall be allowed to use or enjoy the benefit of any such licence, shall cause the same to be entred or registred at large in the books of the said general society, and shall also take a corporal oath, before two or more of the trustees of the said general society, that such person trading by such licence shall be faithful to the said general society, and will not at any time or times ship, lade, send, direct, or cause to be sent, to the *East Indies*, or other the places within the limits aforesaid, any goods, coins, or other mer-

Payments thereof to be made at the Exchequer. Every member of the general society to take an oath, &c. not to trade for more than by this act is allowed.

Persons trading by licence, to enter their licences, &c. and take an oath, &c.

No member, &c. of other corporations shall trade otherwise than in the joint stock thereof. Every member, &c. to take an oath not to trade to the Indies, &c. on any private account.

merchandizes of greater value than what he or she may lawfully send thither by virtue of this act; and that no person or persons, who shall be incorporated, or be a member or members of any company or corporation, having or that shall have power to trade to the *East Indies*, and other the parts within the limits aforesaid, by a joint stock, in pursuance of this act, during such time as he or they respectively shall continue a member or members of such company or corporation, shall trade otherwise than in the joint stock of such corporation, of which he or they are members respectively; and every such member or members, before he or they shall be allowed to receive any benefit, in or by such corporation, or to do, or intermeddle in any of the affairs of the same, shall take a corporal oath before two or more of the trustees, or other persons, who shall have the direction of the affairs of any such company or corporation (who have hereby power to administer the same) that he or she shall be faithful to such company or corporation, and (according to the best of his or her skill and understanding) give his or her advice, counsel, and assistance, for the support and good government of the said company or corporation; and that he or she, during his or her continuance in such company or corporation, will not at any time or times ship, lade, send, direct, or cause to be sent from *England*, or any other country, to the *East Indies*, or other parts within the limits aforesaid, for his or their private accounts, any goods, coins, or other merchandizes, contrary to this act; and that no person or persons, that shall have the order, rule, direction, or management of the voyages, or other affairs of the said company or corporation, or that shall be intrusted or employed to trade upon the joint stock, or for a company, as aforesaid, shall be allowed to ship, or cause to be shipped, laded, or put on board, or to send or cause to be sent from the *East Indies*, or other parts, within the limits aforesaid, any goods, foreign coins, or other merchandizes whatsoever from *England*, or any other country, until he or they respectively shall have taken a corporal oath, before two or more of the trustees, or other directors of such company, or before the barons of the *Exchequer* for the time being, or some of them, that he or they respectively will be faithful to such company or corporation, and (according to the best of his or her skill and understanding) give his or her advice, counsel, and assistance, for the support and good government of the same, and that he or she, during his or her continuance in such company or corporation, will not at any time or times ship, lade, send, direct, or cause to be sent from *England*, or any other country for the *East Indies*, or other the parts within the limits aforesaid, any goods, coins, or other merchandizes, but such as he or she may lawfully send thither, for the account of such company, according to this act.

Quakers may make a solemn declaration.

LXV. Provided always, That such persons as are known or commonly reputed to be *Quakers*, instead of any oath or oaths by this act prescribed, shall and may make a solemn declaration in

in writing to the same effect, and in the same manner; and every such declaration in writing shall be of the same validity, as if he or they had taken a corporal oath, as aforesaid; any thing herein contained to the contrary notwithstanding.

LXVI. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, that shall or may, in pursuance of this act, trade or send, or cause to be sent any goods, foreign coins, or other merchandizes, for the *East Indies*, or other the parts within the limits aforesaid, before such goods, foreign coins, or other merchandizes, or any of them (the goods, foreign coins, or other merchandizes of such company as shall or may be erected, if any such be, to trade with a joint stock, as aforesaid, only and always excepted) shall be shipped, laded, or put on board any ship, or into any lighter, boat, or other vessel for that purpose, shall make, or cause to be made, an entry or entries of the same, in a book or books for that purpose, specifying in such entry or entries, the true and full quantities, kinds, and values of all the goods, foreign coins, or other merchandizes so intended to be sent for the *East Indies*, or other the parts within the limits aforesaid, from *England*, or from any other country whatsoever, with the name of the ship, and of the commander or master thereof; to the end it may be seen by inspection of such book or books (to which all persons concerned shall have free access at all seasonable times, without fee or charge) from time to time, whether such traders do or do not send more goods, coins, or merchandizes in the said trade than they respectively are allowed to send by this act; and all and every such person and persons, upon such entry or entries made, from time to time, shall make and sign an affirmation in writing, in which he or they shall declare or affirm (upon the oath or solemn declaration which he or they shall previously have taken or made, as aforesaid, in that behalf) that such entry or entries do contain the true and full value and values of all the goods, coin, or merchandizes, to be shipped by or for him or them on such ship for that voyage; all which entries and affirmations shall be made before two or more of the trustees for the general society aforesaid, and in books to be kept by them for that purpose, until a company with power to trade upon a joint stock shall be erected, as aforesaid; and after such company shall be erected, then the same shall be made before two or more of the directors or managers of such company, and in books to be kept by them for that purpose.

All persons trading in pursuance of this act, &c. shall enter the goods they export, &c.

Persons concerned may view the books, &c. The said entries to be attested on oath, &c.

Entries and affirmations how to be made.

LXVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by his said charter or charters of incorporation, to empower the said general society, and their successors, and such company as shall be erected to trade with a joint stock, as aforesaid, and their successors, or either of them severally, to make reasonable laws, constitutions, orders, and ordinances, from time to time, for the good government of the said trade to the *East Indies*, and other the parts aforesaid, and of the traders, factors, agents, officers,

General society, &c. may make by-laws,

officers, and others concerned in the same, and to inflict reasonable penalties and punishments, by imprisonments, mulcts, fines, or amerciaments, for any breach or breaches thereof, and to levy such mulcts, fines, or amerciaments to the use of such general society or company respectively.

Penalty on
persons not
making true
entries.

LXVIII. And it is hereby further enacted, That if any person or persons, who are hereby required to make such entries and affirmations as this act directs, shall neglect so to do, or if any goods, foreign coins, or other merchandizes so entred, shall be of greater value than shall be specified in such entry or entries, that then, and in every such case, the goods, foreign coins, or other merchandizes which shall be shipped or put on board any ship or other vessel designed for the *East Indies*, or any other the parts within the limits aforesaid, or into any lighter, boat, or other vessel, to be put upon any such ship, for which no such entry or affirmation shall be made, or which shall be omitted therein, and the effects and proceed of the same (wherefoever they shall be found) shall be forfeited, and may be seized, and double the value thereof shall and may be sued for and recovered against the respective offenders, and to be divided or distributed in such manner and form, as his Majesty by such charter or charters shall appoint.

No company,
&c. to trade
before security
given, &c.
that goods la-
den in the In-
dies shall be
brought to
England, &c.
*This clause ex-
plained as to the
securities to be
given, and also
breaking bulk,
by 6 Annæ, c.
3. f. 1.
13 Geo. 1. c. 8.*
Disputes in ac-
ceptance of
security how
to be determi-
ned.

LXIX. Provided always, and it is hereby enacted, That no company or particular person or persons who shall have a right, in pursuance of this act, to trade to the *East Indies*, or other the parts within the limits aforesaid, shall be allowed to trade thither, until sufficient security shall be first given (which the commissioners of the customs in *England*, or any three or more of them for the time being, are hereby authorized and required to take, in the name, and to the use of his Majesty, his heirs and successors) that such company, or particular persons, shall cause all the goods, wares, merchandizes, and commodities, which shall at any time or times hereafter, during the continuance of this act, be laden by or for them, or any of them, or for their or any of their accounts, in any ship or ships whatsoever, bound from the said *East Indies*, or parts within the limits aforesaid, shall be brought (without breaking bulk) to some port of *England* or *Wales*, and there be unladen and put on land (the danger of the seas, enemies, pirates, constraints of princes and rulers, and barratry of seamen excepted) and in case there be any difficulty or dispute in the acceptance of any such security, such difficulty and dispute shall and may be determined by the lord chief baron, and other the barons of the coif of the *Exchequer*, or any of them, according to his or their best judgment and discretion; and that all goods and merchandizes, belonging to the company to be erected, as aforesaid, or any other traders to the *East Indies*, and which shall be imported into *England* or *Wales*, as aforesaid, pursuant to this act, shall by them respectively be sold openly and publicly by inch of candle, upon their respective accounts, and not otherwise, upon pain that the same, or the value thereof, shall be forfeited and lost, to

Goods im-
ported to be
sold by inch of
candle.

Penalty.

wit, one moiety thereof to his Majesty, his heirs and successors, and the other moiety thereof to any person or persons that will seize, inform, or sue for the same, by action of debt, or of the case, bill, plaint, or information, as aforesaid.

LXX. And be it further enacted, That it shall and may be lawful to and for his Majesty, by any such commission, charters, or letters patents as aforesaid, under the great seal of *England*, to limit, direct, and appoint, how and in what manner and proportions, and under what rules and directions, the shares of all and every person and persons whatsoever in the said yearly fund, and of and in the stock of the said general society, or of any company to be settled or authorized to trade in pursuance of this act, and every or any part or proportion thereof shall or may be assignable or transferrable, to be assigned or transferred to such person or persons only, as shall freely and voluntarily accept of the same, and not otherwise; and that all assignments and transferrences made in such manner shall be good and available in the law.

King's commission, &c. shall direct in what manner the shares in the yearly fund, &c. shall be assigned or transferred.

LXXI. And be it further enacted by the authority aforesaid, That the estates, interests, and stocks of money of the several corporations to be created or established in pursuance of this act, and of each and every particular member thereof, shall be and be adjudged, taken, and accepted, in construction of law, by all judges, and in courts of law and justice, and in all courts and places whatsoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, or intitled thereunto, and not to the heirs of such person or persons; any law, statute, usage, or custom, to the contrary notwithstanding.

Stocks esteemed personal estates.

LXXII. And be it further enacted by the authority aforesaid, That the several annuities or payments issuing out of the said yearly fund, or the shares, parts, or interests of any members of the said general society, or of the said company to be erected by virtue of this act, of and in the principal or capital stocks of the same, or of or in the benefit of trade to be annexed thereunto, in pursuance of this act, during the continuance of the same, shall be and are hereby exempted from any taxes, rates, assessments, or impositions whatsoever.

Annuities out of the yearly fund, and shares in trade, &c. exempt from taxes.

LXXIII. And be it further enacted, That any guardian or trustee for any infant may, for the benefit of such infant, subscribe, advance, and contribute, upon this act, a sum not exceeding one moiety of the monies within his or her trust, upon the advantages in this act mentioned, and such infant, upon payment of such sum, shall become the contributor thereof, and the guardian or trustee shall be discharged from the same.

Guardian or trustee for an infant may subscribe a moiety of the money in his trust.

LXXIV. And be it enacted, That no member of any society or company to be erected in pursuance of this act shall, in respect of his stock therein only, be or be adjudged liable to be a bankrupt, within the intent and meaning of all or any the statutes made against or concerning bankrupts; and that no stock in such society or company shall be subject or liable to any attachment.

No member, &c. in respect of his stock only shall be adjudged a bankrupt. Stock not liable to foreign attachment.

any foreign attachment by the custom of the city of *London* or otherwise.

3 & 9 W. 3.
C. 20.

LXXV. *And whereas by an act of parliament made in the eighth and ninth years of his Majesty's reign, intituled, An act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of England, and for raising the publick credit, it is (amongst other things) enacted, That during the continuance of the corporation of the governor and company of the bank of England, no other bank, or any other corporation, society, fellowship, company, or constitution, in the nature of a bank, shall be erected or established, permitted, suffered, countenanced, or allowed by act of parliament, within this kingdom, as in and by the said act more at large may appear: now for the better securing the privileges of the said governor and company of the bank of England, granted to them by parliament, and to prevent the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, from interfering with, or being prejudicial to, the said governor and company of the bank of England; be it enacted by the authority aforesaid, That it shall not be lawful to or for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act (as a corporation, society, fellowship, company, or constitution) to borrow, owe, or give security for any sum or sums of money, on credit of any publick fund or funds hereby granted, or any part thereof; and that it shall not be lawful for the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, to borrow, owe, or give security for any other or greater sum or sums of money, than such as shall be really and *bona fide* expended and laid out in and for the buying of goods, bullion, or commodities to be exported for the proper account of the said corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, or shall be otherwise employed in their trade; all which sum or sums of money, so to be borrowed for the purpose aforesaid, shall be borrowed only on their common seal, and shall not be made payable, or *bona fide*, agreed to be paid, at any time less than six months, from the time of the borrowing thereof; and that it shall not be lawful for the corporation or corporations, society or societies, fellowship or fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act, to discount any bills of exchange or other bills or notes whatsoever, or to keep any books or cash, of or for any person or persons, bodies politick or corporate whatsoever, other than only the proper monies and cash of the said corporation or corporations, society or societies, fellowship or fellow-*

In the record it is, shall and may be lawful.

Not lawful for the general society, &c. to borrow on credit of the funds by this act granted, nor any other sums than employed in trade.

Monies shall be borrowed only on their common seal, and not made payable in less than six months. Company may not discount bills of exchange, &c. or keep cash for any person whatsoever.

fellowships, company or companies, constitution or constitutions, which shall or may be established by virtue of this act.

LXXVI. And the said commons of *England* in parliament assembled, for the ends and purposes, in this act expressed, have also given and granted unto his Majesty, his heirs and successors, the further rates and duties herein after mentioned ; and it is hereby further enacted by the authority aforesaid, That

for and upon all goods, wares, and merchandizes whatsoever, of the growth, product, or manufacture of the *East Indies*, or any other countries or places within the limits aforesaid, to wit, beyond the said cape to the streights of *Magellan*, which from and after the said nine and twentieth day of *September*, one thousand six hundred and ninety eight, at any time or times shall be imported or brought into the kingdom of *England*, do-

An additional duty of 5l. per cent. laid on all East India goods imported, &c.
Continued by 10 Anna, c. 28.

minion of *Wales*, or town of *Berwick upon Tweed*, by any corporation, person or persons, trading within the limits aforesaid, by virtue or in pursuance of this act, there shall be yielded and paid to his Majesty, his heirs and successors (over and above all other duties payable for the same) a duty after the rate of five pounds for every one hundred pounds of the true and real value of the said goods ; to be paid over from time to time to the

said general society of subscribers, and their successors, or such treasurer or treasurers, as such society shall appoint to receive the same, unless a company, upon the desire of the subscribers or any of them, shall be erected in pursuance of this act, to trade with a joint stock, as aforesaid ; and from and after the erecting or settling of such company, then the said duty of five pounds *per centum* shall be paid over to such company, and their successors, or to their treasurer, to the end that the said general society, and the said company respectively, may out of the produce of the said duty of five pounds *per centum* maintain such

To be paid over to the general society, &c. for maintaining ambassadors, &c.

ambassadors, or other ministers, as his Majesty, his heirs, or successors (at the nomination of the trustees, directors or managers, of or for the general society aforesaid, or of such company so to be empowered to trade with a joint stock, as aforesaid) shall be pleased to send to any emperor, prince, or state, within the parts aforesaid, and defray any other extraordinary or necessary expences, in carrying on the said trade ; and if at any time or times there be an overplus of the produce of the said duty, to dispose the same, from time to time, to and for the benefit of all the members of the said general society, until a company to trade with a joint stock shall be erected, as aforesaid ; and after such company shall be erected, then to and for the benefit of all the members thereof, according to their respective shares or interests in the principal or capital stock of the same.

Overplus, if any, how to be disposed.

LXXVII. And for the better raising, levying, and securing the said duty, after the rate of five pounds in the hundred, it is hereby further enacted, That upon the importation of any such goods, as aforesaid liable thereunto, an entry or entries thereof shall be made in the custom-house where such goods shall

Security to be given for payment of the said additional duty, &c.

shall

Goods landed
before duty
secured, &c.
shall be for-
feited.

These duties
to be managed
by the com-
missioners of
the customs.

On 3 years no-
tice after the
29 Sept. 1711.
and repay-
ment by par-
liament of
the said
2,000,000l.
&c. this act to
cease and de-
termine.
Refrained by
10 Annæ, c. 28.
to 3 years no-
tice after 25
March, 1733.

shall be imported, and before the landing thereof the imports or importers of the same shall give security (which the commissioners or proper officers of the customs are hereby required and impowered to take) for payment of the said duties, after the rate of five pounds in the hundred upon the said goods, as soon as the same shall be sold, the value thereof to be reckoned according to the gross price at which such goods shall be sold; and that in case any such goods shall be landed or put on shore out of any ship or vessel, before due entry be made thereof at the custom-house, in the port or place where the same shall be imported, and the duties hereby imposed shall be secured, or without a warrant for the landing or delivering of the same, first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, that all such imported goods as shall be so landed, or put on shore, or taken out of any ship or vessel, contrary to the true meaning hereof, or the value of the same, shall be forfeited, and shall and may be recovered of the importer or proprietor thereof; to wit, one moiety of the same to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person or persons as will seize the said goods, or sue for the same, or the value thereof, by action, bill, suit, or information, as aforesaid.

LXXVIII. And it is hereby further enacted, That the said duty of five pounds in the hundred shall be from time to time under the management and government of the commissioners of the customs for the time being, who shall cause the same to be raised, levied, collected, and paid, to the hands of the receiver or receivers general of the revenue of the customs for the time being, and such receiver or receivers general for the time being shall answer and pay over all the monies arising thereby (the necessary charges of raising, collecting, and answering the same only excepted) in such manner, and for such purposes, as are before in this act appointed.

LXXIX. Provided always, and it is hereby declared and enacted, That at any time upon three years notice, after the nine and twentieth day of *September*, one thousand seven hundred and eleven, upon repayment by parliament of the said sum of two millions, or such part thereof as shall be paid or advanced as aforesaid, unto the respective subscribers and contributors of the same, or to such person or persons as by, from, or under them shall be intitled to the said annuities or shares of the said yearly fund or capital stock in respect of the same, and of all arrears of the said annuities or yearly payments, then and from thenceforth as well the said duties upon salt, and rock-salt, as the said duties upon stamped vellum, parchment, and paper, and also the said yearly fund charged thereupon, and the said annuities issuing out of the same, and the said duty of five pounds in the hundred, for the said imported goods, and also all the said corporations to be erected by or in pursuance of this act, and the benefit of trade hereby given, or intended to be given to them or any of them, shall absolutely cease and deter-
mine;

mine; any thing herein contained to the contrary notwithstanding.

LXXX. And the said commons of *England* in parliament assembled, as a further supply for his Majesty's extraordinary occasions, have moreover freely given and granted unto his Majesty, his heirs and successors, the further rates and duties herein after mentioned: and it is hereby further enacted by the authority aforesaid, That for and upon all wrought silks, which from and after the said nine and twentieth day of *September*, one thousand six hundred ninety eight, at any time or times shall be imported or brought from the *East Indies*, or from *Persia*, or from any other the countries or places within the limits before mentioned, into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, there shall be yielded and paid to his Majesty, his heirs and successors (over and above all other duties payable for the same) the sum of one shilling and ten pence for every pound weight, reckoning sixteen averdupoize ounces to the pound, to be paid by the importer or importers thereof, and to be raised, levied, collected, and paid, to the use of his Majesty, his heirs and successors, by such ways, rules, and methods, and under such penalties and forfeitures, and in such manner and form, as any other duties upon silks imported by the act of tunnage and poundage, made in the twelfth year of the reign of King *Charles* the Second, or by any other subsequent act for continuing the same, or by any other law now in force relating to the customs, are to be raised, levied, collected, and paid.

Additional
duty of 1s.
10d. per lb.
wt. on all
wrought silks
imported from
the East In-
dies.
REP. 11 W. 3.
c. 10. f. 10.

12 Car. 2. c. 4.

LXXXI. And be it further enacted by the authority aforesaid, That such persons or corporations, as in pursuance of this act shall have a right and power to trade to the *East Indies*, and other the parts aforesaid, according to such provisions, proportions, and restrictions as are in this act contained, and subject to the condition or power of redemption before mentioned, from and after the said nine and twentieth day of *September*, one thousand six hundred ninety eight, shall have, use, and enjoy the whole and sole trade and traffick, and the only liberty, use and privilege of trading, trafficking, and exercising the trade or business of merchandize to and from the said *East Indies*, and to and from all the islands, ports, havens, cities, towns, and places, within the limits before mentioned; and that the said *East Indies*, or the islands, havens, forts, cities, towns, or places within the limits aforesaid, or any of them, shall not after the said nine and twentieth day of *September*, one thousand six hundred ninety eight, be visited, frequented, or haunted by any other of the subjects of his Majesty, his heirs or successors, during such time as the benefit of trade hereby given, or intended to be given, to the subscribers or others, as aforesaid, ought to continue by virtue of this act; and if any of the subjects of his Majesty, his heirs or successors, of what degree or quality soever they be, other than such as may lawfully go and trade to the *East Indies*, and other the parts aforesaid, by virtue of this

Persons who
may trade
pursuant to
this act, shall
have the sole
trade to the
East Indies,
&c.

Enforced by 5
Geo. 1. c. 21.

Penalty on
other persons
trading to the
East Indies,
than such as
are empower-
ed by this act.
*Enforced by 13
Geo. 1. c. 8.
f. 3.*

act, and their factors, agents, and servants respectively, who shall be employed according to the true meaning hereof, shall directly or indirectly visit, haunt, frequent, trade, traffick, or adventure into or from the said *East Indies*, or other the parts before mentioned, contrary to the true meaning hereof, all and every such offender and offenders shall incur the forfeiture and loss of all the ships and vessels which shall be employed in such trade, with the guns, tackle, apparel, and furniture thereunto belonging, and also all the goods and merchandize laden thereupon, and all the proceed and effects of the same, and also double the value thereof (to wit) one fourth part thereof to such person or persons as will seize, inform, or sue for the same, to be recovered in any court of record, as aforesaid, and the other three fourth parts to the use of the said general society, until a company shall be erected, as aforesaid, and after the erecting thereof (if any such be) then to the use of the said company, without account, the charges of prosecution being born by the said society or company.

If duties by
this act appro-
priated be not
sufficient to sa-
tisfy the pay-
ments ap-
pointed, defi-
ciency to be
made good out
of the next
aids.

LXXXII. And be it further enacted by the authority aforesaid, That in case the said duties, arising or appropriated by this act, shall at any time or times appear to be so deficient in the produce of the same, as that within any one year, to be reckoned as aforesaid, from and after the nine and twentieth day of *September*, which shall be in the year of our Lord one thousand six hundred ninety nine, the weekly payments upon the same rates or duties shall not amount to so much as shall be sufficient to discharge and satisfy the several and respective benefits, yearly payments, or advantages, by this act appointed or intended to be paid within or for the same year respectively, that then, and so often, and in every such case, it is hereby declared, that every such deficiency and deficiencies shall be provided for, answered, and made good, by or out of the next aids to be raised and granted by parliament, for and towards the discharging or paying off the said benefits, yearly payments, or advantages appointed by this act, as, together with the monies which shall have been brought into the said receipt of the Exchequer, of or for the said several rates and duties hereby granted or appropriated shall be sufficient to pay off and discharge all the monies which shall within the same year respectively be grown due, or ought to be paid, for the recompences, yearly payments, and advantages hereby provided, according to the true intent and meaning of this act.

The present
East India
company may
trade till 29
Sept. 1701.

LXXXIII. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to hinder or restrain the governor and company of merchants of *London* trading into the *East Indies*, to continue to trade within the limits aforesaid, until the nine and twentieth day of *September*, one thousand seven hundred and one; any thing in this act contained to the contrary notwithstanding.

Ships cleared
out before 1
July, 1698.

LXXXIV. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to

to extend, to make any ships (not in the service of the said governor and company of merchants of *London* trading into the *East Indies*) which were cleared outwards from *England*, or elsewhere, for the *East Indies*, or limits aforesaid, before the first day of *July*, one thousand six hundred ninety eight, or the lading thereof (so as they return into some port of this kingdom without breaking bulk in any part of *Europe*) to be liable to any of the penalties or forfeitures in this act; any thing herein contained to the contrary notwithstanding.

LXXXV. And be it enacted by the authority aforesaid, That the governor and company of merchants of *London* trading into the *East Indies* shall pay and discharge all just debts whatsoever, which the said governor and company do owe, or are subject to; and that all and singular the manors, lands, tenements, goods, wares, merchandizes, chattels real and personal, as well granted and confirmed to them and their successors by any letters patents under the great seal of *England* heretofore made, or by the concessions and grants of any person or persons whatsoever, or of which they now are or hereafter shall be seized or possessed, by any manner, ways, or means whatsoever, shall be and are hereby declared to be subject unto and chargeable with the payment of the said just debts; and if at any time, from and after the four and twentieth day of *June*, one thousand six hundred ninety eight, the said governor and company, or any other person or persons, shall make any dividend or dividends of their stock and estates, or any part thereof, or of any of the effects or produce of the same, before the full payment and satisfaction of their said just debts, in every such case, the particular members, and every of them respectively, who in their private or personal capacities shall receive any share of such dividend or dividends, shall be severally liable, and they are hereby made liable, so far as their respective shares, so by them respectively received upon such dividend or dividends, shall extend, to pay and satisfy the said debts, or such of them which shall remain due and unpaid, to any other person or persons, bodies politick or corporate, who by virtue of this act are severally enabled to sue for and recover the same, besides double costs of suit, by action of debt, or of the case, as is before mentioned; any thing in this act, or any law, statute, usage, or prescription to the contrary notwithstanding.

LXXXVI. Provided always, and be it enacted, That every society, company, or corporation whatsoever, which shall be erected or established in pursuance of this act, and their successors respectively, shall take care, that the sum total of all the debts which such society, company, or corporation respectively, shall owe at any one time to any other person or persons, bodies politick or corporate, do not exceed the value of the principal or capital stock or stocks, which at any such time shall be and remain to such society, company, or corporation, undivided; and that in case any such society, company, or corporation, by any dividend or dividends whatsoever, to be made amongst them-

not liable to forfeitures.

Present East India company to pay their just debts, and their estates made liable thereunto.

If they make any dividends before payment of their debts, members to be liable, so far as their shares shall extend, to pay, &c..

Society, &c. not to owe more than the value of their capital stock undivided, &c.

If their debts exceed their capital stock, members liable to pay so

far as the
shares will ex-
tend, &c.

themselves, or in their private or personal capacities, shall reduce or lessen their joint stock, principal or capital, without limiting, paying off, or proportionably reducing the total sum of the said debts which they shall owe to others, as aforesaid, so that the value of their joint stock, principal or capital undivided, shall not be sufficient to answer their just debts then remaining unpaid, in every such case the particular members, and every of them respectively, who in their private or personal capacities shall receive any share of such dividend, shall be severally liable, and they are hereby made liable, so far as the respective shares, so by them respectively received upon such dividend or dividends, shall extend, to pay and satisfy the debts which shall remain due and unpaid by such society, company or corporation respectively, to any other persons or bodies politick or corporate as aforesaid, who by virtue of this act shall and may sue for, and recover the same, besides costs of suit, by action of debt, or of the case, as is before mentioned; any thing in this act, or any other act, law, usage, or custom to the contrary notwithstanding.

Appropriations.

To the use of
the mints
29,209l.
For the civil
government
400,000l. and
præmiums on
contracts for
circulating
Exchequer
bills.
The rest for
land and sea
service

9 & 10 W. 3.
c. 38.

LXXXVII. Provided always, and it is hereby enacted by the authority aforesaid, That out of the monies which shall be contributed or advanced upon this act, and out of the monies which by loans or otherwise, upon any other act or acts of this present session of parliament, for granting of any aid or supply to his Majesty (shall arise over and above the monies by them, or any of them appropriated, directed or authorized to be applied for any particular use or uses, purpose or purposes therein mentioned) the sums following shall and may be applied, issued and disposed (that is to say) the sum of twenty nine thousand two hundred and nine pounds, to defray the expence and charges of his Majesty's several mints, and to clear the monies which are due to the several importers there; and the sum of four hundred thousand pounds, for defraying the expences of his Majesty's household and family, and other necessary occasions of the civil government, over and above the sum, not exceeding six hundred thousand pounds, which in and by one act of this session, intituled, *An act for granting to his Majesty an aid by a quarterly poll for one year*, is to be made use of for paying of tallies, and other purposes therein mentioned; and that out of the monies to be advanced, or to arise as aforesaid, such sums as shall be necessary to satisfy the *præmiums* or rewards due or to be due to such as have contracted, or shall contract to advance monies from time to time for exchanging or circulating the bills, commonly called *Exchequer bills*, shall and may be in like manner applied and disposed; and that all other the monies which shall be advanced upon this act, or arise by loans or otherwise, as aforesaid, upon any other act or acts of this present session of parliament (other than and except as is before mentioned) shall and may be applied, and the same are hereby appropriated for and towards the payment and satisfaction of such sum and sums of money as are or shall be due, owing or payable for land and

sea services, performed and to be performed, and the charges and expences relating thereunto, or some of them, so far as the said money will extend; and the commissioners of his Majesty's treasury now being, and the treasurer, and the under treasurer of the Exchequer, and commissioners of the treasury for the time being, are hereby directed, authorized and required to cause all the monies to be advanced, or arising as aforesaid, to be applied, issued and paid accordingly.

LXXXVIII. And to the end the sums by this act appropriated may not be diverted or applied to any other purposes than are hereby directed and intended, be it further enacted by the authority aforesaid, That the rules and directions appointed and enacted in one act made in the first year of his Majesty's reign, intituled, *An act for granting to their Majesties an aid of two shillings in the pound for one year*, for the speedy payment of the money thereby granted into the receipt of the Exchequer, by the collectors and receivers, and for the distribution and application thereof, and keeping distinct accounts of the same, and all other provisions, pains, penalties and forfeitures thereby enacted, in case of diversion or misapplication of any money thereby appropriated, are hereby revived and enacted to be in force, and shall be practised, applied, executed, and put in ure, for and concerning the distribution and application of the said sums hereby appropriated, as fully, amply and effectually, as if the same were here again particularly repeated and re-enacted.

LXXXIX. And whereas by an act made and passed in the session of parliament held in the eighth and ninth years of his Majesty's reign, intituled, *An act for the better observation of the course anciently used in the receipt of Exchequer, it is (amongst other things) enacted and declared, That from and after the twentieth day of April, one thousand six hundred ninety seven, no teller in the said receipt of Exchequer should charge himself by his bill with the receipt of any monies in the Exchequer, but at such times as the officers of the tally court, their deputies or substitutes, should be there present, to levy a tally or tallies for the same, nor should any teller, or other person employed by him, throw down or cause to be thrown down into the said court, any bill or bills, owning or purporting the receiving any sum or sums of money, from any lender of money, receiver, or any other person or persons whatsoever, upon which bill or bills a tally or tallies are to be levied, according to the course of the said receipt, unless such teller respectively, or his clerks, or persons employed by him, should have actually received, and have then in his office the very money which should be specified in such bill or bills respectively (except as therein is excepted) under the penalties therein mentioned; be it enacted by the authority aforesaid, That it shall and may be lawful for the lord high treasurer, or any three or more of the commissioners of his Majesty's treasury for the time being, if he or they shall think fit, and it be found safe and expedient for his Majesty's service, to permit and direct the tellers of the said receipt of Exchequer, or their clerks, from and after the tenth day of July, one thousand six hundred ninety eight, to receive*

Penalties contained in the act 1 W. & M. ff. 2. c. 1. for an aid of 2s. in the pound, &c. revived.

8 & 9 W. 3. c. 28.

Bank bills may be received in payments to the King, &c.

but not at any discount.

By 3 Geo. 2. c. 20. s. 22. the India company's annuity is charged on the aggregate fund.

from commissioners, receivers, collectors, or other persons making any payments to his Majesty at the said receipt of his Exchequer, upon any account whatsoever, or upon loans, bills under the seal of the governor and company of the bank of England, commonly called *bank bills*, as shall be tendred in payment for any aids, taxes, revenues or loans whatsoever, unto the end of the next session of parliament, and no longer; any thing in the said recited act, or in any other act or acts of parliament, or any custom or usage to the contrary in any wise notwithstanding; provided that none of the said bank bills shall be so taken in the Exchequer, when the same are at any discount.

CAP. XLV.

An act for taking away half the duties imposed on glass wares, and the whole duties lately laid on stone and earthen wares and tobacco pipes; and for granting (in lieu thereof) new duties upon whale fins, and Scotch linen.

6 W. 3. c. 18.

WHEREAS in and by an act made and passed in the parliament holden at Westminster, in the sixth year of his Majesty's reign, intituled, An act for granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals and culm, for carrying on the war against France, several rates and duties therein mentioned were laid upon all glass, and glass wares, stone and earthen bottles, which at any time or times during the term of five years, from and after the nine and twentieth day of September, which was in the year of our Lord one thousand six hundred ninety five, should be made within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, or imported or brought into the same; and in and by another act made and passed in the parliament holden at Westminster, in the seventh year of his Majesty's reign, intituled, An act for continuing to his Majesty

7 W. 3. c. 31.

certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes, and other earthen wares, for carrying on the war against France, and for establishing a national land bank, and for taking off the duties upon tunnage of ships, and upon coals, the aforesaid rates and duties upon glass, or glass wares, stone bottles, and earthen bottles, are continued and granted to his Majesty, his heirs and successors for ever; and it was thereby further enacted, That from and after the seventeenth day of May, one thousand six hundred ninety six, there should be raised and paid to his Majesty, his heirs and successors for ever, for and upon all sorts of tobacco pipes, and for and upon all such stone or earthen wares as are therein mentioned, certain rates and duties therein expressed, as by the said several acts of parliament, relation being thereunto severally had, may more fully appear: and whereas it is found by experience, that the said rates and duties upon glass and glass wares are too great, so that the makers of those manufactures in this kingdom are thereby discouraged; and that the said duties upon stone bottles, earthen bottles, and other stone and earthen wares,

and

and the said duties upon tobacco pipes are vexatious and troublesome, and very chargeable in the levying and collecting of the same: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from and after the first day of *August*, one thousand six hundred ninety eight, one moiety or half part of the several rates and duties by the aforesaid acts, or either of them, charged and made payable for or upon the said glafs and glafs wares, and the whole rates and duties by the same acts, or either of them, charged and made payable for or upon stone bottles, earthen bottles, stone wares and earthen wares, and for or upon all tobacco pipes, as aforesaid, shall cease, determine, and be no longer payable to his Majesty, his heirs or successors, in any manner of wise; any thing in the said acts, or either of them, contained to the contrary notwithstanding: and in lieu and recompence thereof, we your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, do freely and unanimously give and grant unto your Majesty the impositions, rates and duties herein after expressed.

II. And be it enacted by the authority aforesaid, That from and after the tenth day of *July*, one thousand six hundred ninety eight, there shall be answered and paid to his Majesty, his heirs and successors, for and during the term of eight years from thence next ensuing, for and upon all whale fins and *Scotch* linens herein after mentioned, as shall be imported or brought into the kingdom of *England*, dominion of *Wales*, or town of *Berwick* upon *Tweed*, (over and above all impositions, duties and charges already imposed and payable upon and for the same, by the book of rates or otherwise) the further rates and duties following; that is to say,

III. For all whale fins that are or shall be taken, caught and imported in and by any ships or vessels whatsoever, of or belonging to the company established for the *Greenland* trade, the sum of three pence for every pound weight thereof; and after that rate for a greater or lesser quantity; and for all whale fins which are or shall be taken, caught, or imported by foreigners, or by any ships or vessels not belonging to the said company, the sum of six pence for every pound weight thereof; and after that rate for a greater or lesser quantity; to be paid by the importer or importers of the same.

IV. For all linen of the manufacture of *Scotland*, commonly called by the name of *twill*, which shall be imported or brought in as aforesaid, the sum of ten shillings for every hundred, containing one hundred and twenty ells; and for all linen of the manufacture of *Scotland*, commonly called by the name of *ticking*, which shall be imported or brought in as aforesaid, the sum of six shillings and eight pence for every hundred, containing one hundred and twenty ells; and after those rates for any greater or lesser quantities; to be also paid by the importer or importers of the same.

One moiety of the duties on glafs and glafs wares, and the whole duties on stone and earthen bottles, &c. and tobacco pipes, ceased and determined. By 10 & 11 W. 3. c. 18. all glafs duties are determined.

From 10 July, 1698. (made perpetual as to whale fins by 9 Anne, c. 21. s. 1.) for eight years the following additional duties to be paid:

For whale fins imported by the *Greenland* company, &c. 3d. per lb. wt. and by foreigners 6d. By 5 Geo. 2. c. 28. whale fins, &c. may be freely imported by British subjects. For *Scotch* linen called *twill*, 10s. and for *Scotch* ticking imported 6s. 8d. per 100 ells.

Importer to have 12 months to pay the duties, or allowance after the rate of 10l. per cent. for prompt payment.

Goods exported again in 9 months, duty to be repaid. *These 12 and 9 months enlarged to 3 years by 7 Geo. 1. stat. 1. c. 21. f. 10.*

Act not to make void payment of any sum due to the King on the glass duties, &c.

Clauses, &c. in the said acts be put in execution for raising the other moiety, &c.

No glass wares to be remoyed from the kilnes, unless officer be present, &c.

V. And be it further enacted by the authority aforesaid, That for the additional duties hereby imposed upon the abovementioned goods, the importer, giving security at the custom-house, shall have time not exceeding twelve months, for the payment of the same, from the importation, to be paid by four equal and quarterly payments; or in case such importer shall pay ready money, he shall have after the rate of ten pounds *per centum* of the said duty for a year abated to him; and if the goods and merchandizes aforesaid, imported as aforesaid, for which the duties hereby granted shall be paid or secured at the importation thereof, be again exported by any merchant *English* within twelve months, or by strangers within nine months after the importation, then the aforesaid duty shall be wholly repaid, or the security vacated as to what shall be so exported.

VI. Provided always, and it is hereby enacted, That this act, or any thing herein contained, shall not extend to take away, lessen, or make void the payment of any sum or sums of money accrued or becoming due to his Majesty for any glass or glass wares, stone, or earthen wares, or tobacco pipes, actually made, manufactured or imported before the said first day of *August*, one thousand six hundred ninety eight, and which shall be then owing upon any security, or otherwise unpaid to his Majesty; and that all and every the clauses, matters and things in the aforesaid acts, or either of them contained, for charging, securing, levying, raising and paying the whole duties upon glass, and glass wares, which were thereby granted or continued, shall be applied, practised, and put in execution, for the charging, securing, levying, raising and paying the moiety, or one half of the said duties upon glass, and glass wares (not hereby taken away) as fully and effectually as if the said clauses, matters and things were for that purpose repeated and again particularly enacted by this present act: and that for such glass, or glass wares, for which the whole duties by the said former acts, or either of them, shall have been paid or secured to his Majesty, and shall be exported before the first day of *December*, one thousand six hundred ninety eight, the said whole duties shall be repaid, or the security vacated, according to the tenor of the proviso or clauses for that purpose contained in the said former acts, or one of them; and that for any glass, or glass wares, which shall be exported after the said first day of *December*, one thousand six hundred ninety eight, one moiety only of the said former duties shall be drawn back or allowed to the exporter or exporters, upon oath to be made, and security given, as in the said former acts, or either of them, is provided.

VII. And it is hereby further enacted by the authority aforesaid, That no maker or makers of the said manufactures of glass, or glass wares, or any of them, from and after the said first day of *August*, one thousand six hundred ninety eight, shall draw, or cause or suffer to be drawn, or removed from their respective kilnes or furrores, any glass, or glass wares, unless the officer appointed to attend his or their glass-house be present,

present, or without giving or sending notice to such officer, at the place where he doth or ought to reside, within the town or parish wherein such glass-house is situated, that the said officer (without his own default) may be present at such drawing or removing of the said glass, upon pain that every such maker, for every such offence in not giving notice, shall forfeit the sum of ten pounds, to wit, one moiety thereof to the King, and the other moiety thereof to such as will sue for the same, by action of debt, or of the case, bill, suit or information, wherein no essoin, protection or wager of law shall be allowed.

Penalty on maker.

VIII. And it is hereby declared, That all bottles or other vessels of glass imported, although the same be filled with liquors, are and shall be liable to the payment of one moiety of the duties that were charged by the said former acts upon such glass imported.

Glass bottles imported liable to the half duties.

IX. And it is hereby further enacted, That upon the importation of any whale fins, *Scotch* linen or tickings hereby charged as aforesaid, an entry or entries thereof shall be made in the custom-house where such goods shall be imported; and in case any such goods shall be landed or put on shore, out of any ship or vessel, before due entry be made as aforesaid, and the duties hereby imposed thereupon shall be paid or secured, or without a warrant for the landing or delivering the same first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, then all such imported goods as shall be so landed or put on shore, or taken out of any ship or vessel, contrary to the true meaning hereof, or the value of the same, shall be forfeited and lost, and shall and may be recovered of the importer or proprietor thereof (to wit) one moiety of the said forfeitures to the use of the King, and the other moiety to the use of such person or persons as will seize the said goods, or sue for the same or the value thereof, by action, bill, suit, or information as aforesaid.

Entry to be made on importation of whale fins, *Scotch* linen, &c.

Goods landed before entry forfeited, and may be recovered of importer, &c.

X. And be it enacted by the authority aforesaid, That the said duties hereby granted and payable for whale fins, and such *Scotch* linen as aforesaid, shall be from time to time under the management and government of the commissioners of the customs for the time being, who shall cause the same to be raised, levied, collected, and paid to the hands of the receiver or receivers general of the revenue of the customs for the time being: and such receiver or receivers general shall from time to time bring the produce thereof (the necessary charges of raising and answering the same only excepted) into the receipt of the Exchequer: and that the officers of the said receipt of Exchequer for the time being, to whom it shall appertain, shall from time to time issue, pay and apply, as well the said duties upon whale fins and such *Scotch* linens as aforesaid, arising by this act, as also such part of the said duties upon glass and glass wares, as is not taken away by this act, to and for the payment and satisfaction of such principal and interest monies, whereunto the whole duties upon glass and earthen wares and tobacco pipes, by any

Commissioners of the customs to manage the duties on whale fins, &c.

Duties how to be applied.

any act or acts of parliament now in force, ought to have been applied, if this present act had never been made; and that in such order and form, and under the like penalties and forfeitures, as by any such act or acts now in force are or were provided or prescribed for the issuing, paying and applying of the said whole duties upon glass and earthen wares, and tobacco pipes; any thing in this act, or any former act or acts of parliament to the contrary notwithstanding.

Anno Regni GULIELMI III. decimo.

AT the parliament begun at Westminster the four and twentieth day of August, Anno Dom. 1698. in the tenth year of the reign of our sovereign lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King defender of the faith, &c. and from thence continued by several prorogations and adjournments to the sixth day of December, 1698. being the first session of this present parliament.

CAP. I.

An act for granting an aid to his Majesty for disbanding the army, and other necessary occasions.

BE it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the army and all the respective regiments, troops, companies, officers and soldiers of the said army, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall, on or before the six and twentieth day of *March*, one thousand six hundred ninety nine, be disbanded except such regiments, troops and companies consisting only of his Majesty's natural born subjects, not exceeding seven thousand persons, commission and non-commission officers included, as before the first day of *March*, one thousand six hundred ninety eight, shall be particularly expressed in and by his Majesty's royal proclamation under the great seal of *England*, in which proclamation the particular number only of each regiment, troop and company shall be expressed.

II. And be it further enacted and declared, That immediately from and after the said six and twentieth day of *March*, one thousand six hundred ninety nine, the said army, regiments, troops and companies (except as before is excepted) is and are hereby actually disbanded.

III. And be it further enacted by the authority aforesaid, That immediately from and after the said six and twentieth day

Army dis-
banded.

Except 7000
men.

Soldiers in
Ireland dis-
banded.

of

of *March*, one thousand six hundred ninety nine, all the regiments, troops and companies, officers and soldiers, within the kingdom of *Ireland*, not being his Majesty's natural born subjects, be and are hereby enacted and declared to be actually disbanded.

IV. And be it further enacted, That all other the army, regiments, troops, companies, officers and soldiers, within the said kingdom of *Ireland*, shall, on or before the first day of *May*, one thousand six hundred ninety nine, be disbanded, except such regiments, troops and companies consisting only of his Majesty's natural born subjects, not exceeding twelve thousand persons, commission and non-commission officers included, as before the tenth day of *April*, one thousand six hundred ninety nine, shall be particularly expressed in and by his Majesty's royal proclamation under the great seal of *Ireland*, in which proclamation the particular number only of each regiment, troop and company shall be expressed.

By 1 May, 1699.
Except 12000 men the King's subjects.

V. And be it further enacted and declared, That immediately from and after the said first day of *May*, one thousand six hundred ninety nine, the said army, regiments, troops and companies in *Ireland* (except as before is excepted) is and are hereby actually disbanded.

VI. And be it further enacted and declared, That all such forces within the said kingdom of *Ireland*, not hereby directed to be disbanded, which shall be maintained within that kingdom, shall be maintained at the sole charge of the said kingdom of *Ireland*.

VII. And be it further enacted, That all and every commission officer and officers who shall exercise any power or authority over the soldiers in their respective regiments, troops or companies after such officer or officers shall be disbanded, and every person or persons that shall wittingly and willingly advise, frame, contrive, countersign or put in execution any proclamation, commission, act, order or command whatsoever, for continuing together any of the said regiments, troops or companies, or parts of regiments, troops or companies after they shall be disbanded, as aforesaid, he or they so offending shall incur and sustain the pains, penalties and forfeitures limited, ordained and provided in and by the statute of provision and *præmunire* made in the sixteenth year of King *Richard* the Second; and being thereof lawfully convicted, shall from thenceforth be disabled, during his life, to sue or implead any person in any action real or personal in his own right, or to make any gift, grant, conveyance or other disposition of any his lands, tenements, goods or chattels which he hath to his own use, either by act executed in his life time, or by his last will or otherwise, or to take any gift, conveyance or legacy to his own use: and none of the said soldiers or non-commissioned officers disbanded, as aforesaid, shall, after the space of two days after such disbanding, continue together above ten in a company.

Penalty on officer exercising power after disbanding.
Stat. 16. R. 2. cap. 5.
Soldiers after disbanding not to continue together.

VIII. And

For payment
of the dis-
banded forces.

persons may
lend 800000l.

charged on
the exchequer.

With interest
at 7l. per cent.

No alien na-
turalized in
Ireland to be
reputed the
King's natu-
ral born sub-
ject.

Nor to conti-
nue in any re-
giment, &c.

Proviso.

VIII. And for the payment of the several regiments, troops and companies in *England*, hereby declared and appointed to be disbanded, and for supplying other necessary occasions of the kingdom, and also for the payment of the arrears due to the forces in *Ireland*, hereby appointed to be disbanded, during their continuance upon the *English* establishment: be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and lend to his Majesty, at the receipt of his Majesty's Exchequer, any sum or sums of money, not exceeding the sum of eight hundred thousand pounds; which sum and sums so to be advanced and lent, shall and may be charged upon the credit of his Majesty's Exchequer in general, and tallies of loan, and orders for repayment of the same shall be levied accordingly; of which said sum of eight hundred thousand pounds, so much shall in the first place be applied for the paying off and disbanded the regiments, troops and companies within this kingdom, hereby enacted to be disbanded, as shall be sufficient for that service, and the overplus shall be afterwards applied for other necessary occasions of the kingdom; and all and every sum and sums of money, so to be advanced and lent, not exceeding the said sum of eight hundred thousand pounds, together with interest for the same, not exceeding the rate of seven pounds *per centum per annum*, to be paid every three months, until satisfaction of the principal, shall be payable, and be paid or satisfied in course, according to the days or times of lending the same, unto the respective lender or lenders of the same, his, her, or their executors, administrators, successors or assigns, out of the first aids or supplies granted or to be granted to his Majesty, in this present session of parliament; and shall immediately be transferred unto such aid or supply; any thing in this present act, or any other act or acts of parliament contained to the contrary notwithstanding.

IX. Provided always, and be it enacted by the authority aforesaid, That no alien, who hath been, or at any time shall be naturalized within the kingdom of *Ireland*, by virtue of any act of parliament made or to be made within that kingdom, or by reason of any act or thing done or to be done in pursuance thereof, shall be adjudged or reputed to be his Majesty's natural born subject, within the meaning of this act; nor shall any such person so naturalized, or to be naturalized, be capable of being continued within any regiment, troop or company, which shall be excepted by either of his Majesty's said proclamations.

X. Provided always, and be it enacted by the authority aforesaid, That in case any regiments, troops or companies, or parts of regiments, troops or companies, which are to be disbanded, or discharged from his Majesty's service, by virtue of this act, shall be embarked, or ready to be embarked, to be transported beyond the seas, and shall be hindered by contrary winds

winds or weather, beyond the said six and twentieth day of *March*, no person or persons shall incur the said pains and penalties by this act ordained, for such their continuance together during such hindrance, as aforesaid; any thing herein to the contrary notwithstanding.

CAP. II.

An act to prevent the making or selling buttons made of cloth, serge, drugget, or other stuffs.

WHEREAS the maintenance and subsistence of many thousands of men, women and children, within this kingdom, depends upon the making of silk, mohair, gimp, and thread buttons with the needle, and great numbers of throwsters, twisters, spinners, winders, dyers, and others, are employed in preparing the materials of which such buttons are made: and whereas the silk and mohair, wherewith the said buttons are made, is purchased in Turkey, and other foreign parts, in exchange for our woollen manufecture, to the great consumption and encouragement thereof: and whereas the making of such needle-wrought buttons hath of late been much lessened and discouraged by the making and wearing of buttons made of the sbreds of cloth, serge, drugget, frize, camlet, and other stuffs and materials of which clothes are usually made, and also by buttons made of wood only, and turned in imitation of other buttons; to the great impoverishment of all those whose livelihood depended upon the making the said needle-wrought buttons, and preparing the materials thereof; and to the great prejudice of the woollen manufecture, wherewith such materials are purchased as aforesaid; by which means great numbers of the said poor people are become burdensome to their respective parishes: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of *February*, one thousand six hundred ninety and eight, no person or persons whatsoever, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall make, sell, or set on, or cause to be made, sold, or set on any clothes or wearing garments whatsoever, any buttons made of cloth, serge, drugget, frize, camlet, or any other stuffs of which clothes and wearing garments are usually made, or any buttons made of wood only, and turned in imitation of other buttons, upon forfeiture of the sum of forty shillings for every dozen of such buttons so made, sold or set on, or caused to be made, sold or set on as aforesaid, and in like proportion for any lesser quantity; one moiety thereof to be to the use of his Majesty, his heirs and successors, and the other moiety thereof to him, her or them that shall sue for the same, by action of debt, bill, plaint or information, in any of his Majesty's courts of record, wherein no essoin, protection or wager of law, or more than one imparlance shall be allowed.

No buttons to be sold, or made, of cloth, serge, &c. or of wood.

Penalty.

The penalty made 5l. by 8 Anne, c. 6. and 40 s. laid on the wearer by 7 Geo. 1. stat. 1. c. 13. f. 1. a Salk. 612.

CAP.

CAP. III.

EXP.

An act to prohibit the exportation of any corn, malt, meal, flour, bread, biscuit or starch for one year, from the tenth day of February, of thousand six hundred ninety eight.

Anno Regni GULIELMI III. decimo & undecimo.

CAP. IV.

An act to prohibit the excessive distilling of spirits and low wines from corn, and against the exporting of beer and ale and to prevent frauds in distillers.

WHEREAS it is found by experience, that the drawing, distilling and making of brandies or spirits from malt is one cause of the present dearth of corn, especially of barley, in this realm, and by reason of the great scarcity of corn in foreign parts, and the restraints which are or may be made there of distilling spirits from corn, great demands are and may be made of spirits drawn from malted corn in this kingdom, to supply the occasions of those foreign parts, which must needs tend to a further enhancing of the price of corn here, and prove a great grievance to many of his Majesty's good subjects, if a speedy remedy be not provided: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons whatsoever, from and after the last day of *January*, in the year of our Lord one thousand six hundred ninety eight, and before the first day of *February*, which shall be in the year of our Lord one thousand six hundred ninety nine, shall directly or indirectly draw, distill or make, or cause or procure to be drawn, distilled or made, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, any brandy, *Aqua vite*, spirits, or low wines whatsoever, other than such quantities as are allowed by this act, and under such restrictions, and in such manner and form as are herein prescribed, from any malt, corn or grain, or from any wash or liquors, produced or to be produced from any malt, corn or grain whatsoever, under the penalties and forfeitures herein after mentioned (that is to say) that all the brandy, *Aqua vite*, spirits and low wines, so made or drawn, shall be forfeited, and that every offender and offenders therein shall forfeit and pay the sum of ten shillings for every gallon of brandy, *Aqua vite*, spirits, or low wines, which shall be drawn, distilled, or made, contrary to this act, and moreover, that all the stills, backs, casks, and other utensils and vessels employed in the distilling, drawing, making or keeping the same, or any part thereof, shall be forfeited; the moiety of all which penalties and forfeitures shall be to the King's majesty, his heirs and successors, and the other moiety to him or them that shall discover, inform or sue for

Penalty on distilling greater quantities of brandy, &c. than are allowed by this act.

for the same; and the said penalties and forfeitures shall and may be recovered in the same manner, and by the same means, as any penalties and forfeitures by any of the laws and statutes for the excise now in force, for any offence or offences against the same, are or may be recovered: and that all servants and others, who shall be wittingly or willingly aiding or assisting in the making of the said spirits or low wines contrary to this act, and being thereof duly convicted in any of his Majesty's courts of record at *Westminster*, or at the general quarter sessions of the county, city, riding, or place, where such offence shall be committed, or where such person or persons shall be apprehended or arrested for such offence, shall suffer imprisonment by the space of six months without bail or mainprize.

II. Provided always, That it shall and may be lawful for any person or persons drawing spirits, brandy, or low wines from any foreign materials, or any *English* materials, other than such as are prohibited by this act, to make use of a reasonable quantity of yeast for the fermentation of their wash, in order to the distilling of the same; any thing in this or any other act to the contrary notwithstanding.

Yeast may be used for fermentation of wash.

III. And whereas it is found by experience, That his Majesty hath been very much defrauded of his duties upon low wines and spirits by many distillers and other persons, who keep or set up private and concealed warehouses, storehouses, cellars or other places, or private or concealed stills, backs or other vessels for the making, preparing or keeping wash, low wines, spirits or other materials fit for distillation, and by private pipes and stop-cocks, and other private conveyances, have communication between their private and publick backs and other vessels, by which they do privately convey their wash or other liquors fit for distillation from one back or other vessel to another, by means whereof the officers cannot take and keep a true and distinct account of such wash and other liquors fit for distillation, nor of the low wines and spirits made or drawn from the same: and whereas the gaugers and officers of excise are not sufficiently impowered by law, upon suspicion or knowledge of such frauds, to enter the houses or places where the same are practised without consent of the possessors thereof, or upon entry and discovery of such frauds, cannot find out or discover the person or persons concerned therein, by reason that the true owner or owners of such warehouses, storehouses, cellars, or other places, stills, backs or other vessels, spirits, low wines, wash or other materials fit for distillation, will not appear or claim any interest therein, but frequently disown the same; be it therefore enacted by the authority aforesaid, That every distiller having and keeping any private pipe or stop-cock, or other private conveyance, by which any wash or other liquors fit for distillation may be conveyed from one back or vessel to another, or from any such back or other vessel to their still or stills, or into any other place, shall, before the eight and twentieth day of *February*, one thousand six hundred ninety eight, take up or demolish every such pipe, stop-cock, or other private conveyance, and shall also stop up every hole in every such back or washbatch, by which any wash or other

Private pipe stop-cock, &c. to be taken up.

Penalty on
distiller.

other liquors fit for distillation may be conveyed into or out of such back or washbatch, or any of them, and that no distiller, from and after the said eight and twentieth day of *February*, shall have or keep any private pipe, stop-cock, or other private conveyance, by which any wash or other liquors fit for distillation may be conveyed from one back or other vessel to another, or from any such back or other vessel to his or her still or stills, or into any other place, nor shall have or keep any hole in any such back or washbatch, by which any wash, or any other liquors fit for distillation, may be conveyed into or out of such back or washbatch, or any of them: on pain to forfeit for every such pipe, stop-cock, conveyance and hole, the sum of one hundred pounds.

Excise officers
may search for
such pipes, &c.

IV. And for the better discovering of all such pipes, stop-cocks, and other private conveyances aforesaid, be it further enacted, That from and after the said eight and twentieth day of *February*, it shall and may be lawful to and for the gaugers and officers of excise, or any of them, in the day-time, and in the presence of a constable, or other lawful officer for the peace (who are hereby required to be aiding and assisting therein) on request first made and cause declared, to break up the ground in any distilling house, or the ground near adjoining or any wall, partition, or other place, to search for any such pipe, stop-cock, or any other private conveyance; and upon finding such pipe or other conveyance, to break up the ground, house, wall or other partition or place, through or into which any such pipe or other conveyance shall lead, and to break up or cut any such pipe or other conveyance, and to turn any cock or cocks, to try and examine whether such pipe or other conveyance, may or can convey any wash or other liquors fit for distillation, out of one back or vessel into another, or from any such back or vessel into any still or stills, or into any other place.

and break up
the same.

In case no
pipe be found,
officer to make
satisfaction to
owner.

V. Provided always, That in case upon such search, no such pipe or other private conveyance shall be found, such gaugers and officers of excise shall make good the ground, wall, house, or other place so broken up, as aforesaid, or make reasonable satisfaction to the owner or owners thereof, to be adjudged by two of the next justices of the peace, whereof one to be of the *quorum*; or the party injured shall be at liberty to bring his action for the damages by him sustained; and what shall be adjudged by the said justices, or recovered upon such action, shall be paid out of his Majesty's revenue of excise, by the commissioners thereof for the time being: and if any distiller, or any other person or persons whatsoever, shall oppose, obstruct, or hinder any such gauger or officer in the due execution of the powers hereby given and granted, every such distiller, and other person shall forfeit and lose, for every such offence, the sum of one hundred pounds.

Penalty on
distiller ob-
structing of-
ficer.

Distiller may
use pipes
above ground.

VI. Provided nevertheless, and it is hereby declared, That it shall and may be lawful to and for any distiller to keep and make use of any pipe, stop-cock, or other conveyance above ground, which

which are publick, and in open view, from one end thereof to the other, for the letting his wash out of his publick coolers into his publick backs or wash-batches, and for conveying his wash or worts out of such publick back or washbatch into his publick stills; any thing in this act, or any other law or statute to the contrary in any wise notwithstanding.

VII. And be it further enacted by the authority aforesaid, <sup>Officer sus-
pecting pri-
vate still, &c.</sup> That in case the gaugers or officers of excise, or any of them, shall know, or have cause to suspect any such private or concealed still, back, or other vessel, spirits, low wines, wash, or other materials preparing for distillation, to be set up or kept in any house or place, and shall make affidavit before one or more justice or justices of the peace for the county or place where he shall so know or suspect such private or concealed still, back, or other vessel, spirits, low wines, or materials preparing for distillation, are or shall be so set up or kept, and shall in such affidavit declare the grounds of such his knowledge or suspicion, then and in such case, it shall and may be lawful for such officer or officers, in the day-time, and in the presence of a constable, or other lawful officer of the peace (who are hereby required to be aiding and assisting therein) by warrant from such justice or justices of the peace before whom such affidavit shall be made, to be directed to such officer or officers of excise (which warrant the said justice or justices of the peace are hereby authorized and required to grant) to break open the door, or any part of such house or place, where he or they shall so know or suspect such private or concealed still, back, or vessel, spirits, low wines, or materials for distillation are so set up or kept; and to enter <sup>may seize the
same, &c.</sup> into such house or place, and to seize all such stills, backs, or other vessels, and also all such spirits, low wines, wash, or other materials for distillation that shall be found therein, and to detain and keep the same in such house or other place where he or they shall find the same so kept private or concealed; and in case the same shall not, within twenty days next after such seizure be claimed by the true and lawful owner thereof, then <sup>and if not
claimed in 20
days, shall be
forfeited and
sold.</sup> the said stills, backs, and other vessels, spirits, low wines, and materials for distillation shall be absolutely forfeited, and shall and may be sold at the next general day of sale, to be appointed by the commissioners of excise, or their officer or officers respectively, after the said twenty days are expired; one moiety of the proceed thereof (all necessary charges being first deducted out of the whole) to be paid to the use of his Majesty, his heirs and successors, and the other moiety to the party or parties who shall so discover and seize the same; and in case such stills, backs, and other vessels, spirits, low wines, and materials for distillations, shall within the said twenty days be claimed by any person or persons whatsoever, the person or persons so claiming the same, shall forfeit and lose for every such warehouse, storehouse or other place, in which any such still, back, or other vessel shall be found, and also for every such still, back, and other vessel found therein, the sum of two hundred pounds. <sup>Penalty on
person claim-
ing such still,
&c.</sup>

VOL. X.

R

VIII. Pro-

If no private
still be found,
officer to
make good the
damage.

Penalty on
person oppo-
sing officer.

All spirits
made from
mixture of
spirits with
wash, deemed
low wines, and
chargeable
with the du-
ties.
Provido.

VIII. Provided always, That in case upon such breaking open any such door or house, no such private or concealed back, still, or other vessel, spirits, low wines, wash, or other materials for distillation, shall be found, such gauger and officers of excise shall make good the house or place so broken up, as aforesaid, or make reasonable satisfaction to the owner or owners thereof, to be adjudged by two of the next justices of the peace, whereof one to be of the *quorum*; or the party injured shall be at liberty to bring his action for the damages by him sustained; and what shall be adjudged by the said justices, or recovered upon such action, shall be paid out of his Majesty's revenue of excise, by the commissioners thereof for the time being; and if any distiller, or any other person or persons whatsoever, shall oppose, obstruct, or hinder any such gauger or officer so authorized, as aforesaid, in the due execution of the powers hereby given and granted, every such distiller, or other person, shall forfeit and lose the sum of two hundred pounds; all which said penalties shall be recovered and levied by the same means and methods, as any fine or penalty imposed by any law of excise now in force is recoverable; one moiety of which said forfeitures shall be to his Majesty, his heirs and successors, and the other moiety to him or them that will discover, inform, or sue for the same, as aforesaid.

IX. *And whereas many distillers, on pretence of rectifying of spirits, do mix spirits with wash and other liquors, and afterwards distil the same, whereby his Majesty's duties on low wines are avoided, and not duly answered and paid, as by the former acts is directed and appointed:* for prevention whereof be it enacted and declared by the authority aforesaid, That all spirits made or drawn by any distiller from any mixture of spirits with any kind of wash or other liquor (except common water) shall be deemed and taken to be low wines, and shall be chargeable with the duties already set and imposed on low wines drawn from foreign materials.

X. Provided always, and be it enacted by the authority aforesaid, That in such house and houses, and other edifices which were used as publick or open distilleries for the drawing or distilling of spirits or low wines from wort or drink brewed from malted corn, during the year ended on the thirtieth day of *September*, one thousand six hundred ninety and eight, or during any part thereof (and in no other house or place whatsoever) it shall and may be lawful to and for the owners and occupiers of the said houses and distilleries respectively, at any time or times between the last day of *January*, one thousand six hundred ninety and eight, and the first day of *February*, one thousand six hundred ninety and nine, to draw, distil, and make, or cause to be drawn, distilled, and made, any spirits or low wines from drink or wort brewed from malted corn, so as the whole quantity of low wines or spirits of the first extraction, which between the said last day of *January*, one thousand six hundred ninety and eight, and the said first day of *February*, one thousand six hundred ninety and nine, shall be drawn, distilled, or made in every such distillery respectively, from any malt, corn, or grain,

or

or from the produce thereof, do not in the whole exceed half the quantity of low wines or spirits of the first extraction, which in the year already ended, as aforesaid, were drawn, distilled, or made within the same house or distillery respectively, from drink or wort brewed with malted corn, and so as the quantity of low wines or spirits of the first extraction, which in the first, second, third, and every other kalendary month of the year, reckoned from the said last day of *January*, one thousand six hundred ninety and eight, shall be drawn, distilled, or made in every such distillery respectively, from malt, corn, or grain, or from the produce thereof, do not exceed half the quantity of low wines or spirits of the first extraction, which in the like first, second, third, and every other kalendary month of the year, ended as aforesaid, were drawn, distilled, or made within the same house or distillery respectively, from drink or wort brewed with malted corn; and in case any doubt or controversy shall arise concerning the quantity of spirits or low wines which were drawn or distilled in any house or distillery within or during the said year, ended on the said thirtieth day of *September*, one thousand six hundred ninety and eight, or any month of the same, from drink or worts brewed from malted corn, or concerning the exceeding of half that quantity or proportion in the year to be reckoned from the said last day of *January*, one thousand six hundred ninety and eight, or in any month thereof, then the same shall be determined by the accounts or vouchers returned into the head office of the excise, containing the quantities of such low wines or spirits of the first extraction made in every such house or distillery within or during the year already ended, as aforesaid, whereby his Majesty's duties were charged or chargeable, or by the entries of the same, to which all persons concerned (upon reasonable request) shall have free access without fee or charge; any thing herein contained to the contrary notwithstanding.

XI. And be it enacted by the authority aforesaid, That the commissioners of the excise, or any three or more of them, upon request to them made, shall make forth and deliver in writing under their hands, *gratis*, to the owners or occupiers aforesaid, or such as they shall appoint, a true account of the quantities of low wines or spirits of the first extraction, charged in the said vouchers, as were made in every respective distillery in each respective month of the year, ended at the thirtieth day of *September*, one thousand six hundred ninety and eight, as aforesaid, from drink or worts brewed with malted corn.

XII. And be it further enacted by the authority aforesaid, That no person or persons whatsoever, from and after the last day of *February*, in the year of our Lord one thousand six hundred ninety and eight, and before the first day of *February*, which shall be in the year of our Lord one thousand six hundred ninety and nine, shall directly or indirectly export, transport, carry out, convey, or cause or procure to be exported or transported, carried, or conveyed out of or from the said king-

From 28 Feb.
1698. to 1 Feb.
1699. no beer,
ale, &c. to
be exported.

dom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, or any of them, or load or lay on board, or cause or procure to be loaden or laid on board in any ship, vessel, or boat, in order to be exported or carried out of the kingdom, dominion, or town aforesaid, for any foreign parts, any beer, ale, or any wash or worts drawn from corn, or any ale or beer from which spirits may be extracted, under the pains and forfeitures herein after mentioned; that is to say, for every barrel of beer, ale, wash, or worts so exported, the sum of five pounds, and so in proportion for any greater or lesser quantity, one moiety thereof to his Majesty, and the other moiety to the informer, to be recovered as other penalties by this act are directed to be recovered.

Penalty.

Proviso.

XIII. Provided always, That this act or any thing therein contained shall not extend to prohibit the exportation or carrying out of such beer or ale as shall be necessary to be carried in any ship or other vessel or vessels, from this kingdom, or the dominion aforesaid, or in their return to the same, only for the sustenance or drink of the commanders, masters, mariners, passengers, or others in the same ships, and not to be sold in foreign parts, or for the supply of any of his Majesty's ships in foreign parts; any thing in this act to the contrary notwithstanding.

XIV. Provided also, That nothing in this act contained shall extend to any beer or ale, which shall be exported, or shipped to be exported out of or from any of the ports of this kingdom, or dominion of *Wales*, unto such of his Majesty's colonies in *America*, *Persia*, or the *East Indies*, that have been usually supplied with such liquors from this kingdom, or from the dominion of *Wales*, aforesaid, or for the sustentation of the said islands and colonies, forts, castles, or factories therein only, so as the exporters, before the shipping or laying on board the same for the islands or colonies for which the said liquor is designed, do give sufficient security, in treble the value, to the commissioners or officers of his Majesty's customs respectively, who have hereby power to take such security in his Majesty's name, and to his Majesty's use, That such liquors shall not be landed in any parts whatsoever, other than the islands and colonies for which the same shall be so declared; for taking which security no fee or reward shall be demanded or received; and the said bond or bonds, or other securities, if not prosecuted within three years, shall be void.

Charles Bennett distiller.

XV. Provided always, That nothing in this act contained shall extend to prevent or hinder *Charles Bennett* distiller, from drawing or distilling spirits or low wines from worts or drink brewed from malted corn, from the last day of *January*, one thousand six hundred ninety eight, to the first day of *February*, one thousand six hundred ninety nine; always so as the whole quantity of low wines or spirits of the first extraction, which between the said last day of *January*, one thousand six hundred ninety eight, and the said first day of *February*, one thousand six hundred ninety nine, shall be drawn, distilled, or made in his now distillery

distillery from any malt, corn or grain, or from the produce thereof, do not in the whole exceed half the quantity of low wines or spirits of the first extraction, by him drawn and extracted in the year already ended on the thirtieth of September, one thousand six hundred ninety eight, and so as the said Charles Bennett doth observe and perform all things else, as all other distillers are by this act obliged to observe and perform.

CAP. V.

An act for the clearing, repairing, preserving and maintaining the haven and piers of *Great Yarmouth* in the county of *Norfolk*.

From 24 July, 1699. for twenty one years, ships unlading in *Yarmouth Road*, to pay for every chaldron of coals, last of wheat, rye, &c. weigh of salt, tun of goods or merchandize (except fish) 12 d. Bailiffs and aldermen, &c. to appoint collectors of the duties, who are to pay the same to the chamberlains of the borough, &c. Twelve commissioners for inspecting the accounts to be nominated. Collectors to render to the commissioners account of monies received, &c. to take an oath, and be allowed 6 d. in the pound. Collector may enter into ship, &c. and for nonpayment of duty may distrain and sell, rendring the overplus. Fish, oil, fish livers, and provision, &c. exempted from duty. Commissioners for *Norfolk* and *Suffolk* to be nominated yearly at the quarter sessions, and meet in six weeks after at *Great Yarmouth*. In case commissioners do not meet, bailiffs and aldermen, &c. to put the act in execution, who may put in or displace any collector, &c. In case of refusal, bailiffs to levy by distress. Where no distress, person to be committed to gaol. Bailiffs, &c. to make good the monies collected. If any new work be found necessary, commissioners may contract for the same; contract money to be paid out of the duties. Commissioners bailiffs may act with the other commissioners. E X P.

Re-enacted for 21 years by 9 Geo. 1. c. 10. from the year 1723.

CAP. VI.

An act to enlarge the trade to Russia.

WHEREAS King Philip and Queen Mary, by their letters patents dated at Westminster the sixth day of February, in the first and second years of their reign, being willing to animate, advance and further the persons in the said letters patents named, in their good purpose and profitable adventure, for the discovering, describing and finding out isles, lands and territories unknown, lying to the northward, and by English subjects before then not commonly frequented by sea, as well for the glory of God, as for illustrating the royal dignity in the increase of the revenues of the crown, and the general wealth of this realm, and of the subjects of the same (as in the said letters patents is particularly expressed) did incorporate the said persons by the name of Merchants adventurers for the discovery of lands, territories, isles, and seigniories unknown, and not by the seas and navigations, before their said late adventure or enterprize by sea or navigation, commonly frequented, with power to make statutes, acts, and ordinances for the good government of the said fellowship, and also to admit unto the said fellowship persons to be free of the same; and that every person or persons so to be admitted, should from the time of his or their admittances be free of the said fellowship; and that the said fellowship should have and enjoy the sole trade to all the main lands, isles, ports, havens, creeks and rivers of the emperor of Russia, and to all and singular other lands,

Stat. 8 Eliz.

dominions, territories, parts, creeks and arms of the sea whatsoever, in the said letters patents particularly mentioned and described; as by the said letters patents (among other things therein contained) more at large may and doth appear: and whereas the liberties, powers and privileges granted by the said letters patents, were afterwards by an act of parliament made in the eighth year of the reign of Queen Elizabeth, ratified and confirmed to the said fellowship and their successors, by the name of The fellowship of English merchants for discovery of new trades, with power to have and enjoy all and singular the liberties, privileges, jurisdictions, powers and authorities, as well in the said letters patents as act of parliament mentioned or contained, with a prohibition, that no subject or denizen of this realm should traffick to, visit, or frequent any of the places granted by the said act to the said fellowship to trade in, but by order, agreement or consent of the governor, consuls and assistants of the said fellowship for the time being, or the major part of them, upon pain that every person and persons offending in that behalf, should forfeit and lose (ipso facto) every such ship and ships with the appurtenances, and all such goods and things whatsoever, as by any such persons should be by any means, directly or indirectly, carried, conducted, brought or exchanged in, at or to, through or from any of the places prohibited, contrary to the true intent of the said act, one moiety thereof to the Queen's majesty, her heirs and successors, and the other moiety thereof to the said fellowship and their successors, as by the said act of parliament (amongst other things therein contained) more at large may and doth appear: and whereas the easy admission of persons into the said company of fellowship, will in all probability tend very much to the enlarging the said trade for the publick good, and for that there is no mention made either in the said letters patents, or act of parliament, upon what terms persons shall be admitted, or what certain fine shall be taken by the fellowship for the admitting persons to be free thereof, the ascertaining whereof would very much tend to the increasing the number of traders to the said places; therefore for the ascertaining hereafter what fine shall be taken by the said fellowship for the said admissions, and for enlarging and encouraging the trade to *Russia*, and other the places in the said charter and act of parliament mentioned and described; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, which shall be in the year of our Lord one thousand six hundred ninety nine, every subject of this realm desiring admission into the said fellowship of *English* merchants for discovery of new trades, commonly called or known by the name of *The Russia company*, on request in that behalf to be made to the governor, consuls and assistants for the time being of the said fellowship, or any three or more of them, shall be admitted into the said fellowship, and shall have, use, and enjoy all the liberties, privileges, jurisdictions, franchises, powers and authorities granted to the said fellowship, either by the said letters patents

From 25 Mar.
1699. persons
may be admitted
into the
Russia com-
pany, paying
5 l.

patents or act of parliament, as largely, fully and amply, to all intents, constructions and purposes, as any other member of the said fellowship could, can or may have, use or enjoy the same by virtue of the said letters patents, and act of parliament, or either of them, such subject paying for such his admission, for the use of the said fellowship only, the sum of five pounds, and no more.

II. And be it further enacted by the authority aforesaid, That from and after the said five and twentieth of *March*, the sum of five pounds only, and no more, shall be demanded, taken or accepted by the said fellowship, for any admission to the freedom thereof; any by-law, statute or ordinance of the said fellowship, made or to be made to the contrary thereof in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, That where any person or persons residing in any out-port, or any other place within this realm, the dominion of *Wales*, or town of *Berwick upon Tweed*, shall make request to be admitted into the said fellowship as aforesaid, by his agent or deputy, making tender of five pounds for his admission, the said governor, consuls and assistants, shall under the common seal of the said fellowship, within ten days after such request, appoint one or more person or persons to admit such person or persons into the freedom of the said fellowship, and to administer to him and them the oath to be taken by the freemen of the said fellowship; which oath they are hereby impowered to administer; which admission and administration of the said oath shall be as good and effectual, as if the same were actually done by the said governor, consuls and assistants.

Admission by agent.

Oath.

Such admission good.

IV. And be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs shall, at every session of parliament, lay before both houses a true account in writing, under their hands, of what naval stores shall have been imported into this kingdom by any persons trading to *Russia*.

Parliament to have a yearly account of naval stores imported from *Russia*.

C A P. VII.

An act for preventing irregular proceedings of sheriffs and other officers, in making the returns of members chosen to serve in parliament.

FOR preventing abuses in the returns of writs of summons for the calling and assembling of any parliament for the future, or writs for the choice of any new member to serve in parliament; and to the end such writs may, by the proper officer or his deputy, be duly returned and delivered to the clerk of the crown, to be by him filed, according to the ancient and legal course; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, That the sheriff, or other officer having the

R 4

execution

Writ when
returnable.

execution and return of any such writ which shall be issued for the future, shall, on or before the day that any future parliament shall be called to meet, and with all convenient expedition, not exceeding fourteen days after any election made by virtue of any new writ, either in person, or by his deputy, make return of the same to the clerk of the crown in the high court of Chancery, to be by him filed; and the sheriff, or other person making such return, shall pay to the said clerk of the crown the antient and lawful fees of four shillings, and no more, for every knight of a shire, and two shillings, and no more, for every citizen, burgess, or baron of the cinque ports, returned into the said court, to be by him filed; and the said sheriff or officer shall, by virtue of this act, charge the same to his Majesty, his heirs or successors, and have allowance thereof in his account in the Exchequer or elsewhere.

Sheriff on re-
turn of writ to
pay the antient
fees, &c.

and charge the
same to the
King.

7 & 8 W. 3.
c. 25.

II. *And whereas by an act made in the seventh and eighth years of the reign of his present Majesty, intituled, An act for the further regulating elections of members to serve in parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members, it is provided and enacted, That the officer, on the receipt of any such writ, shall, within three days after such his receipt, by himself or proper agent, deliver or cause to be delivered, a precept or precepts to the proper officer of every borough, town corporate, port or place within his jurisdiction, to whom the execution of such precept doth belong or appertain, which by experience hath been found too short a time for the performance of the same in the cinque ports, be it therefore enacted by the authority aforesaid, That from henceforth the proper officer of the cinque ports shall be allowed six days from the receipt of such writ for the delivery of the precept, according to the purport of the said act; any thing in the said act, or any other law, statute or usage to the contrary in any wise notwithstanding.*

Officer of the
cinque ports
allowed 6 days
from receipt
of writ.

Penalty on
sheriff, &c. not
making re-
turn.

III. And it is further enacted by the authority aforesaid, That every sheriff or other officer or officers aforesaid, who shall not make the returns according to the true intent and meaning of this act, shall forfeit for every such offence the sum of five hundred pounds, one moiety whereof shall be to his Majesty, and the other moiety to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, privilege or wager of law shall be allowed, nor any more than one imparlance.

CAP. VIII.

An act for making and keeping the river Tone navigable from Bridgewater to Taunton, in the county of Somerset.

John Mallet esquire, and his assignees, conservators of the river Tone, who are impowered to keep the river navigable from Bridgewater to Ham Mills, and thence to Taunton, and cut a new channel. A way to the land on either side of the river. Conservators to contract with the owners of land for damage, &c. If parties disagree touching the value of such lands, sheriff to summon a jury, and the determination bind

bind all parties. Agreements to be signed and sealed in four days after made, and enrolled at the sessions. On payment, conservators may enter on the lands. Jury may examine persons on oath. Parties not appearing, jury may order what satisfaction. Which order shall be good, and vest a fee simple estate in the conservators. For reimbursing the conservators, with interest at 6 l. per cent. every boat, &c. passing from Bridgewater to Ham Mills, to pay 4 d. a weigh for coals Bridgewater measure, and 2 d. per tun for other goods, wares, &c. Duties to be paid at Knap Bridge. In case of nonpayment, boat, &c. to be stopt, till duty paid. Boat, &c. passing from Ham Mills to Taunton, to pay duties at Coal Harbour, 4 s. a weigh for coals, 2 s. per tun for other goods. On nonpayment to stop such boat, &c. until duty be paid. Boat, &c. passing from Taunton to Bridgewater, to pay 12 d. per tun for goods, &c. at the first lock next to Taunton. In case of nonpayment to detain such boat until duty be paid. After conservators are reimbursed, only 1 d. a weigh on coals, and 1 d. a tun on goods to be paid at Knap Bridge, and 1 s. a weigh on coals, and 6 d. a tun on goods to be paid at Coal Harbour. Toll how to be applied. Surplus to be employed for the use of the poor of Taunton, in building an hospital for educating poor children. Boatmen, &c. may use winches, &c. An account of disbursements to be kept, and entred in a book, and brought yearly before the bishop of Bath and Wells, &c. who may allow and distribute the same. Yearly account to be made up to 24 June. Bishop and justices may examine persons on oath. Duplicate of the account to be signed by the bishop, &c. and kept at the sessions. Conservators of the river to be perpetual. Present conservators constituted for life. When they are reduced to the number of twenty, survivors may choose others, to make them thirty in number. Conservators may receive any gift, legacy, &c. and have estates conveyed to them. Five to be a committee, and make any contract, &c. Conservators may sue or be sued on such contracts, and may appoint servants to manage estates, and constitute receivers, &c. but subject to the bishop's correction. Publick act.

CAP. IX.

An act for granting to his Majesty the sum of one million four hundred eighty four thousand and fifteen pounds one shilling eleven pence three farthings, for disbanded the army, providing for the navy, and for other necessary occasions. 3 s. in the pound. EXP.

CAP. X.

An act to prevent the exportation of wooll out of the kingdom of Ireland and England into foreign parts; and for the encouragement of the woollen manufactures in the kingdom of England.

FORASMUCH as wooll and the woollen manufactures of *This act made more effectual by 5 Geo. 2. c. 21.* cloth, serge, bays, kerseys, and other stuffs made or mixed with wooll, are the greatest and most profitable commodities of this kingdom, on which the value of lands, and the trade of the nation do chiefly depend: and whereas great quantities of the like manufactures have of late been made, and are daily increasing in the kingdom of Ireland, and in the English plantations in America, and are exported from thence to foreign markets, heretofore supplied from England, which will inevitably sink the value of lands, and tend to the ruin of the trade, and the woollen manufactures of this realm: for the prevention whereof, and for the encouragement of the woollen manufactures within this kingdom, be it enacted by the King's most excellent majesty, by and with the advice and consent of the

From 24 June,
1699,

no wooll,
woollfells,
shortlings, &c.
to be exported
out of Ireland,
to any place
but England,
&c.

Wooll laid near
the sea, &c. in
order to be ex-
ported, is for-
feited by 5 Geo.
3. c. 11. s. 21.

Penalties on
offenders.

By 3 Geo. 1.
c. 21. s. 4.
One moiety is
given to the
King.

the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons whatsoever, from and after the four and twentieth day of June, in the year of our Lord one thousand six hundred ninety nine, shall directly or indirectly export, transport, ship off, carry or convey, or cause or procure to be exported, transported, shipped off, carried, or conveyed out of, or from the said kingdom of Ireland, into any foreign realm, states, or dominions, or into any parts or places whatsoever, other than the parts within the kingdom of England, or the dominion of Wales, any the wooll, woollfells, shortlings, mortlings, woollstocks, worsted, bay, or woollen yarn, cloth, serge, bays, kerseys, says, frizes, druggets, cloth-ferges, shalloons, or any other drapery stuffs or woollen manufactures whatsoever, made up or mixed with wooll or woollstocks, or shall directly or indirectly load, or cause to be loaden upon any horse, cart, or other carriage, or load or lay on board, or cause to be laden or laid on board in any ship or vessel, in any place or parts within or belonging to the said kingdom of Ireland, any such wooll, woollfells, shortlings, mortlings, woollstocks, worsted, bay, or woollen yarn, cloth, bays, kerseys, ferges, says, frizes, druggets, cloth-ferges, shalloons, or any other drapery or woollen manufactures, to the intent or purpose to export, transport, ship off, carry or convey the same, or cause the same to be exported, transported, shipped off, carried or conveyed out of the said kingdom of Ireland, or out of any port or place belonging to the same, or with intent or purpose, that any person or persons whatsoever should so export, transport, ship off, carry or convey the same out of the said kingdom of Ireland, into any ports or places, except as aforesaid.

II. And be it enacted by the authority aforesaid, That all and every of the offender and offenders, offence and offences, aforesaid, shall be subject and liable to the respective pains, and penalties, and forfeitures hereafter following (that is to say) The said wooll, woollfells, shortlings, mortlings, woollstocks, worsted, bay, or woollen yarn, cloth, serge, bays, kerseys, says, frizes, druggets, cloth-ferges, shalloons, or any other draperies, stuffs, or any other manufactures, made of or mixed with wooll or woollstocks, so exported, transported, shipped off, or carried, conveyed, or loaden, contrary to the true intent and meaning of this act, shall be forfeited; and that every of the offender and offenders therein shall likewise forfeit the sum of five hundred pounds for every such offence; and all and every ship, vessel, barge, boat, or other bottom whatsoever, wherein any of the said commodities are or shall be shipped or laid on board, contrary to the true intent and meaning of this act, shall be forfeited, with all her tackle, apparel, and furniture to them and every of them belonging; and the masters and mariners thereof, or any porters, carriers, waggoners, boatmen, or other persons whatsoever, knowing such offence, and wittingly aiding and assisting therein, shall forfeit forty pounds; of which one moiety shall be to him or them that shall sue for the same by bill,

bill, plaint, or information in any of his Majesty's courts of record in *England*, or *Ireland*, and the other moiety thereof to the encouragement of setting up the linen manufactures in *Ireland*, to be disposed of by the court of *Exchequer* there for that use only; in which suit no effoin, protection, or wager law, or more than one imparlance shall be allowed.

III. And to prevent evading the penalties of this act, by prevention of prosecution or acquittals in *Ireland*; be it enacted by the authority aforesaid, That no acquittal, nor any indictment, information, or suit (unless the offender be thereupon convicted) in *Ireland*, for any offence provided against in this act, shall be pleaded or allowed in bar or delay of any indictment, information, suit, or prosecution within the kingdom of *England*. No acquittal, &c. in Ireland, allowed in bar of any prosecution in England.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons to seize, take, secure, and convey to his Majesty's next warehouse, all such wooll, woollfells, shordlings, mortlings, woollstocks, worsted, bay, or woollen yarn, cloth, serges, bays, kerseys, says, frizes, druggets, cloth-serges, shalloons, stuffs, and other draperies and woollen manufactures; or mixed with wooll or woollstocks, as he or they shall happen to see, find, know, or discover to be laid on board in any ship, vessel, or boat, or to be brought, carried, or laid on shore, at or near the sea, or any navigable river or water, to the intent or purpose to be exported or conveyed out of the said kingdom of *Ireland*, contrary to the true meaning of this act, or to be laden upon any horse, cart, or other carriage, to the intent or purpose to be exported, conveyed, or carried into any foreign parts or places, contrary to the true intent and meaning hereof; and also the so that it shall and may be lawful to and for any person and persons to seize and secure all and every such ship, hulk, vessel, barge, or boat, of what kind soever, or wheresoever found or discovered, wherein any of the aforesaid commodities shall happen to be shipped or put on board, contrary to the true intent and meaning of this act; and that such person or persons that shall happen so to seize, take, or secure any of the commodities aforesaid, or any such ship, vessel, hulk, barge, or boat, as aforesaid, shall be indemnified for so doing, to all intents and purposes. Any person may seize all such wooll, &c. Seizer indemnified for so doing.

V. And be it further enacted by the authority aforesaid, That for every ship or vessel, which from and after the said four and twentieth day of *June*, shall set out and sail from the said kingdom of *Ireland*, in order to export or carry off any of the commodities aforesaid to this kingdom, bond shall be given by two sufficient persons, known inhabitants of and residing in or near the place where the bond is or shall be given, to the chief officers of the customs, belonging to the said port or place in the said kingdom of *Ireland*, from whence the said ship or vessel shall set sail, in double the value of any the aforesaid goods, intended to be transported, as aforesaid, before the said ship or vessel. Bond to be given for ship taking on board woollen commodities.

Ship taking goods on board before bond given, to be forfeited.

A register to be kept of goods imported from Ireland.

Cockets, &c. to be written on paper, and signed, and certificates of landing.

Goods to be viewed by surveyor, &c.

Quantities to be expressed on the cocket, &c.

Commissioners of the customs of Ireland to transmit the quantities, &c. of goods exported, to the commissioners of the customs in England, and duplicates of the bonds, &c. as also dates of certificates.

vessel shall be permitted to lade on board any of the commodities aforesaid, with condition that if the said ship or vessel shall lade or take on board any of the said goods, in the kingdom of *Ireland*, that then and in such case all the said goods shall be brought, by the same ship or vessel, to some port or ports within the kingdom of *England*, or the dominion of *Wales*, as aforesaid, and shall there unlade or put on shore the same, and pay the custom and duties thereof, the danger of the seas only excepted. And that every ship or vessel, which shall lade or take on board any of the said goods, until such bond be given, shall be forfeited, to be recovered and employed in manner as aforesaid.

VI. And for the more effectual execution of the powers granted by this act; be it enacted by the authority aforesaid, That a register be kept at the custom house in *London*, of all the aforesaid goods, from time to time imported from *Ireland*, into any of the ports within this kingdom, or dominion of *Wales*, with the particular qualities and quantities thereof, the master's and owners names, and to whom consigned.

VII. And be it further enacted by the authority aforesaid, That all cockets and warrants for the carrying or transporting of any of the aforesaid goods, from the kingdom of *Ireland*, to any port or ports aforesaid, within this kingdom, shall be written upon paper, and not parchment, and signed by three of the chief officers of such respective port at least, and all certificates of landing the same in any the ports aforesaid, within this kingdom, or dominion of *Wales*, shall be signed in like manner; and that all the goods aforesaid, both at shipping and landing, shall be viewed and examined by the surveyor or searcher, or land-waiter, attending the shipping or discharge of any the aforesaid goods; and that the exact quantities and qualities, marks, and numbers of the goods aforesaid, so shipped in *Ireland*, shall be particularly expressed and indorsed upon the cocket, by which the said goods are or were to be shipped, and likewise upon the warrant for landing the same in *England*, and also upon the certificate or certificates, given or to be given, for discharging the bond or bonds taken in *Ireland* for the same.

VIII. And be it further enacted by the authority aforesaid, That the commissioners of the revenue, or farmers of the customs, or of the revenue of the kingdom of *Ireland*, for the time being, shall from time to time, and at all times hereafter, once within every six months, or within thirty days after the end thereof, transmit or cause to be transmitted unto the commissioners or farmers of his Majesty's customs in *England*, of all such goods as aforesaid, as shall from time to time be exported from the said kingdom of *Ireland*, the qualities and quantities thereof, and duplicates of the bonds taken for lading the same, and by whom and in what ships exported, and where and to what port in the kingdom of *England*, or dominion of *Wales*, consigned, and the names of the persons signing the certificates of the landing the same in *England*, and the date of the said certificates,

certificates, and where the same are or were laden, and also of the qualities and quantities, marks, and numbers contained in the said certificates, in order that the same may be compared with the registered account, appointed by this act to be kept by the commissioners or farmers of the customs of this kingdom.

IX. And for preventing the mischief of raising, obliterating, or interlining such certificates, as aforesaid; be it enacted by the authority aforesaid, That all such certificates shall be written upon paper, and not parchment, and that the quantities and qualities, marks, and numbers therein expressed shall not be obliterated or interlined upon any pretence whatsoever.

X. And be it further enacted by the authority aforesaid, That all such goods as aforesaid, as shall from time to time be exported from the said kingdom of *Ireland*, into the ports of this kingdom, or dominion of *Wales*, in manner as aforesaid, shall be shipped off and entred at the ports of *Dublin, Waterford, Youghall, King'sale, Cork, and Drogheda*, in the said kingdom of *Ireland*; and at or from no other port or place within the said kingdom; nor shall the same be imported into any parts of the kingdom of *England*, or dominion of *Wales*, other than the ports of *Biddiford, Barnstable, Minshead, Bridgewater, Bristol, Milford Haven, Chester, and Liverpool*; any thing in this act to the contrary thereof in any wise notwithstanding.

XI. And to the intent and purpose that this act may more effectually be put in execution, for preventing the growing mischiefs that daily do or may arise to this kingdom, from the exportation of such goods as aforesaid, or any of them, out of the kingdom of *Ireland*, should the same still be suffered to be sent from thence to supply the foreign markets, that are or have been supplied from *England*; be it further enacted by the authority aforesaid, That if any commissioner or commissioners, farmer or farmers of the revenue of *Ireland*, or officer or officers employed under them in the management of the said revenue there, shall, from and after the said four and twentieth day of *June*, take or suffer to be taken any entry outward, or sign any cocket, warrant or sufferance, for the shipping and exporting any such goods, as aforesaid, into any kingdom, state, or dominion whatsoever (except as aforesaid) or shall willingly or willingly permit, contrive, or suffer the same to be done, directly or indirectly, contrary to the true intent and meaning of this act, that then, and in every such case, such commissioner or commissioners, farmer or farmers, officer or officers, so offending in the signing such cocket, warrant, or sufferance for the shipping or exporting any of the said goods into any other kingdom, state, or dominion, or place whatsoever (except as aforesaid) or passing such entry for the same, or any wise conniving thereat, contrary to the true intent and meaning hereof, or shall otherwise fail or neglect to perform all other duties required by this present act, shall for every such offence or neglect forfeit his office, and shall moreover for every such offence

Certificates to be written on paper, &c.

Ports for exporting and importing goods.

By 4. Annæ, c. 7. goods may be exported from New Ross.

Penalty on commissioner or officer of the customs, &c.

fence forfeit the sum of five hundred pounds, to be recovered and employed in manner and form as aforesaid.

Offences
where triable.

XII. And be it further enacted by the authority aforesaid, That every offence which shall be done or committed contrary to this act, shall and may be inquired of, tried, heard, and determined in the county where any such goods, as aforesaid, shall be so laden or put on board, as aforesaid, or else in the county, either in *England* or *Ireland*, where such offender shall happen to be apprehended or arrested for such offence, or where any such of the goods aforesaid, or the said ship or ships, vessels, hulks, barks, or boats shall happen to be seized or taken, or brought in; and that the said trial shall be in such manner and form, and in such effect, to all intents and purposes, as if the same offence had been wholly done and committed in the same county.

Persons sued
for executing
this act may
file a common
bail, &c.

XIII. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, suit, or information shall be commenced or prosecuted against any person, for what he shall do in pursuance of this act, such person so sued shall and may file a common bail, or enter into a common appearance, and plead the general issue, Not guilty, and upon issue joined may give this act and the special matter in evidence, and if the plaintiff or prosecutor shall become nonsuit, or suffer discontinuance, or if a verdict pass against him, or if upon demurrer judgment pass against him, the defendant shall recover treble costs and damages for the molestation.

Defendant to
have treble
costs.

Woollen ma-
nufactures
may be im-
ported from
Ireland to
England.

XIV. And for the further encouragement of the woollen manufactures of *England*; be it enacted by the authority aforesaid, That it shall and may be lawful, from and after the said four and twentieth day of *June*, to import from the said ports of *Dublin*, *Waterford*, *Youghall*, *Kinsale*, *Cork*, and *Drogheda*, in the kingdom of *Ireland*, any wools, woollens, shortlings, mortlings, woolstocks, worsted, bay, or woollen yarn, cloth, serges, bays, kerseys, frizes, druggets, shalloons, stuffs, cloth-serges, or any other drapery made of or mixed with wool, or woolstocks, and manufactured in the kingdom of *Ireland*, into such ports of this kingdom or dominion of *Wales* only, as aforesaid, so as notice be first given to the commissioners or chief managers of his Majesty's customs in this kingdom, or to the chief customer or collector in the port to which the same is intended to be brought, of the quantity, quality, and package, together with the marks and numbers thereof, with the name of the ship and master or commander, on which the said goods are to be laden, and the place or port into which they are intended to be imported, and so as bond be first entred into, to the use of his Majesty, his heirs and successors, with one or more sufficient sureties, in treble the value of the goods so intended to be imported, That the same shall (the dangers of the seas excepted) be landed accordingly, and so as a licence be also first taken, under the hands of the commissioners or chief managers of the customs for the time being, or three of them, or from the chief customer or collector

Notice being
first given,

and bond en-
tered into.

collector where such bond is given, for the landing and importing thereof, as aforesaid; which licence they are hereby authorized and required to grant, without any fee or reward, or any other charge to the person demanding the same; any law, statute, or usage to the contrary in any wise notwithstanding.

Licence to be granted gratis.

XV. And for the more effectual preventing the transportation of wool, woollfells, shortlings, mortlings, or woollflocks, worsted, bay, or woollen yarn, or any manufactures of wool or woollflocks, or mixed with the same, into foreign parts; he it enacted by the authority aforesaid, That the penalties and forfeitures of the bonds, which by this act or any other former law or usage are to be given, or have been given in the kingdom of Ireland, for any wool, or any of the commodities aforesaid, intended to be exported from that kingdom, to be brought into the ports of this kingdom, or dominion of Wales, as aforesaid, shall not, on any consideration whatsoever, be granted or assigned over to any person whatsoever; and that all such grants or assignments are and shall be void to all intents and purposes; any law, usage, or statute to the contrary in any wise notwithstanding.

Forfeitures on bonds not assignable.

All such assignments void.

XVI. And for the better preventing the exportation of wool out of this kingdom or Ireland, into foreign parts; be it enacted by the authority aforesaid, That the lord high admiral of England, or commissioners for executing the office of high admiral for the time being, shall direct and appoint two ships of the fifth rate, and two ships of the sixth rate, and eight armed sloops, constantly to cruize on the coasts of England and Ireland, particularly between the north of Ireland and Scotland, with orders to take and seize all ships, vessels, and boats, which shall export any wool with intent to carry it into foreign parts; and that the lord high admiral, or commissioners, as aforesaid, shall send a list of all such ships and sloops, and the names of the commanders, together with true copies of their several instructions that are or shall be given, to the commissioners of the customs in London, within ten days after such orders, as aforesaid, are or shall be given.

Cruising ships to seize wool exporting to foreign parts.

Commissioners of the customs to have a list of the cruizers.

XVII. And for the encouragement of the commanders and mariners belonging to the ships and sloops aforesaid; be it enacted by the authority aforesaid, That all wool, ships, vessels, or boats that shall be so seized or taken, shall be forfeited, and all such wool shall be lodged in the King's warehouse, in such port where it is or shall be taken or seized, or into which it shall be brought, until it shall be condemned according to law; and being so condemned, shall be exposed publickly to sale, after one and twenty days, publick notice being given in writing at the custom-house of the said port, and on the royal exchange of London, by inch of candle, to the last and best bidder; and all ships, vessels, or boats that shall be so seized and condemned, as aforesaid, shall, together with all their guns, tackle, furniture, and apparel, be exposed to sale in like manner; and that one fourth part of the produce of the wool, ships, vessels, and

All wool, ships, &c. so seized to be forfeited,

and sold by inch of candle.

Produce how to be divided.

boats

boats so sold, as aforesaid, shall be to the commander, one other fourth part to the officers of the ship or ships, sloop or sloops that took the same, one other fourth part to the mariners belonging to such ship, vessel, or sloop, to be equally divided and paid amongst the said mariners, by the collectors of the said port, or such person or persons as shall be authorized to pay the same, and the other fourth part thereof to his Majesty, his heirs and successors, after a deduction made out of the last fourth part of all the charges of prosecution and condemnation.

Penalty on
commander
neglecting his
duty.

XVIII. And for preventing of all composition or confederacy by any commander of any ship, vessel, or sloop, with any person whatsoever, concerned in such wool or ship, vessel or boat, as aforesaid; be it enacted by the authority aforesaid, That every commander of such ship or sloop, neglecting his duty by this act required, or compounding for any wool, ship, vessel, or boat, as aforesaid, or conniving at the exportation of any wool, shall lose and forfeit all pay and wages due to him or them, and suffer six months imprisonment, and be for ever incapable of serving his Majesty in any office in the navy.

No wool, &c.
of the produce
of the English
plantations in
America, shall
be exported,

XIX. And for the more effectual encouragement of the woollen manufacture of this kingdom; be it further enacted by the authority aforesaid, That from and after the first day of *December*, in the year of our Lord one thousand six hundred ninety nine, no wool, woollfells, shortlings, mortlings, woollflocks, worsted, bay, or woollen yarn, cloth, serge, bays, kerseys, says, frizes, druggets, cloth-ferges, shalloons, or any other drapery stuffs or woollen manufactures whatsoever, made or mixed with wool or woollflocks, being of the product or manufacture of any of the *English* plantations in *America*, shall be loaden or laid on board in any ship or vessel, in any place or parts within any of the said *English* plantations, upon any pretence whatsoever; as likewise that no such wool, woollfells, shortlings, mortlings, woollflocks, worsted, bay, or woollen yarn, cloth, serge, bays, kerseys, says, frizes, druggets, cloth-ferges, shalloons, or any other drapery stuffs, or woollen manufactures whatsoever, made up or mixt with wool or woollflocks, being of the product or manufacture of any of the *English* plantations in *America* as aforesaid, shall be loaden upon any horse, cart, or other carriage, to the intent and purpose to be exported, transported, carried or conveyed out of the said *English* plantations to any other of the said plantations, or to any other place whatsoever; upon the same and like pains, penalties, and forfeitures, to and upon all and every the offender and offenders herein, within all and every of the said *English* plantations respectively, as are prescribed and provided by this act for the like offences committed within the kingdom of *Ireland*; and all governors or commanders in chief of the said respective plantations, as also all officers employed in the customs, or other branches of his Majesty's revenue there, are hereby authorized, charged, and required to take effectual care, that the true in-

under the like
penalties, &c.

tent

tent and meaning of this act, so far forth as it relates to the said respective plantations, be duly put in execution.

XX. And be it further enacted by the authority aforesaid, That all and every person and persons, who after the said four and twentieth day of *June*, shall be guilty of any offence or offences, contrary to the true intent and meaning of this or any other act of parliament made for the preventing the exportation of wool, shall and may be prosecuted for any such offence or offences by action, suit, or information in any of his Majesty's courts of record at *Westminster*, and thereupon a *Capias* shall and may issue the first process, specifying the sum of the penalty sued for; and such person or persons shall be obliged to give good and sufficient bail and security, by natural born subjects or denizens, to the officer serving or executing such process against him or them, to appear in the court out of which such *Capias* shall issue, at the day of the return of such writ, to answer such suit or prosecution, and shall likewise at the time of such appearance give sufficient bail or security by such persons, as aforesaid, in the said court, to answer and pay the forfeitures and penalties incurred for such offence or offences, in case he, she, or they shall be convicted thereof, or to yield his, her, or their bodies to prison.

XXI. Provided also, and it is hereby further enacted, That after the nine and twentieth day of *September*, in the year of our Lord one thousand six hundred ninety nine, the lord lieutenant, lord deputy, or lords justices for the time being for the kingdom of *Ireland*, or any of them, are hereby required to give direction in council, that this act shall be given in charge by the several judges of the kingdom of *Ireland*, at all the assizes that shall be held in that kingdom, to the end that this act may be strictly put in execution, according to the true intent and meaning thereof; which said judges are hereby impowered and required, from time to time, to take particular accounts throughout their respective circuits, of the due execution of this act, and at their returns to *Dublin*, at the end of every circuit, shall acquaint the said lord lieutenant, lord deputy, or lords justices of that kingdom for the time being in council, with all accounts or informations they shall have so received of any breach of the said act, or negligence or faults in any of the officers to whom the execution of this act is committed, to the end that the said chief governors, or any of them, for the time being, may be the better informed and enabled to look to and provide for the strict and punctual observation of this act, throughout that kingdom; of which the said chief governors, or any of them, for the time being, shall once every year, lay a particular account in writing, under his or their hands, before the King, his heirs and successors, in council.

Offenders may be sued in any of the courts at Westminster, and be obliged to give sufficient bail.

Act to be given in charge by the judges of Ireland at the assizes,

who are to take accounts of the execution thereof;

and acquaint the lord deputy, &c. therewith.

CAP. XI.

An act to enable such officers and soldiers as have been in his Majesty's service, during the late war, to exercise trades: and for officers to account with their soldiers.

WHEREAS there hath been and are divers officers and soldiers, who have served his Majesty in the late wars, and were instrumental, by the blessing of Almighty God, in obtaining an advantageous peace for these kingdoms, some of which are men that used trades, others that were apprentices to trades, who had not served out their times, and others who, by their own industry, have made themselves apt and fit for trades, many of which (the wars being now ended) would willingly employ themselves in those trades which they were formerly accustomed to, or which they are apt or able to follow and make use of, for the getting their living by their own labour, but are or may be hindered from exercising those trades in certain cities and corporations, and other places within this kingdom, because of certain by-laws and customs of those places, and of the statute made in the fifth year of Queen Elizabeth, prohibiting the use of certain trades by any person who hath not served as an apprentice to such trade for the space of seven years: For remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such officers and soldiers, who have been at any time employed in his Majesty's service, since his happy accession to the crown, and have not since deserted the said service, and that have heretofore used or exercised any trade, or that were apprentices to any trade, though they did not serve out the time of their apprenticeship, or any other officer or soldier employed, as aforesaid, that is apt and able to practise any trade, may set up and exercise such several and respective trades, mysteries or occupations, whereunto he or they have been bound apprentices, and served any part of his or their time, or any handicraft or other trade exercised about manufactures, though he was never bound apprentice to the same, in manner following, (that is to say,) such of them as have been apprentices, as aforesaid, may set up and exercise such several and respective trades, whereunto he or they have been so bound apprentices, as fully as if they had served out their respective terms or times for which they have been bound, and shall have and enjoy the same immunities as they should have had and enjoyed if they had served out their said terms or times; and all others of the said officers and soldiers, may set up and exercise such trades as they are apt and able for, in any town or place within the several and respective counties wherein they were born, without any lett, suit or molestation of any person or persons whatsoever, for or by reason of the using of such trade; and if any such officer or officers, soldier or soldiers, shall be sued, impleaded, or indicted in any court whatsoever within this kingdom, for using or exercising any such trades, as aforesaid, then the said officer or

6

officers,

5 Eliz. c. 4.

Officers and soldiers employed in the King's service, and not deserted, that used any trade, may set up and exercise the same,

In manner following.

officers, soldier or soldiers, making it appear to the same court where they are so sued, impleaded or indicted, That they have served the King's majesty, as aforesaid, shall upon the general issue pleaded, be found not guilty, in any plaint, bill, information or indictment exhibited against them; and such persons who, notwithstanding this act, shall prosecute their said suit, by bill, plaint, information or indictment, and shall have a verdict pass against them, or become nonsuit therein, or discontinue their said suit, such person or persons shall pay unto such officer or officers, soldier or soldiers treble costs of suit, to be recovered as any other costs at common law may be recovered; and all judges and jurors, before whom any such suit, information or indictment shall be brought, and all other persons whatsoever, are to take notice of this present act, and shall conform themselves thereunto; any statute, law, ordinance, custom or provision to the contrary in any wise notwithstanding.

II. Provided, That no officer or soldier shall have the benefit of this act, that shall not prove his service, as aforesaid, either by a certificate under the hand and seal of some field officer, or two commission officers of the regiment wherein he served, or some general officer of the army, certifying his knowledge of the service aforesaid; and the same certificate to be proved by one witness at least to be a true certificate, or for default of such certificate, by the oath of two credible witnesses at least.

No officer or soldier to have benefit of this act, that shall not prove his service.

III. Provided also, That if any person or persons, pretending themselves to have been officers or soldiers within the qualifications aforesaid, shall produce a false certificate, to the intent to have the benefit of this act, and thereof be convicted by confession or due proof of law, shall suffer imprisonment, not exceeding three months, and to lose the benefit of this act; any thing therein contained to the contrary notwithstanding.

Penalty on person producing false certificate.

IV. And be it further enacted by the authority aforesaid, That every pay-master on or before the first day of *June*, one thousand six hundred ninety and nine, shall state their accounts respectively, of each regiment disbanded or not disbanded, and shall deliver such accounts, so stated, under their hands, to the respective colonels of each regiment; and if thereon it shall appear there be any monies due to the said regiments issued for that purpose, and remaining in the pay-master's hands, That then the monies so in arrear shall be forthwith paid over unto the said colonels respectively.

Paymasters to state their accounts, and deliver them to their colonels, &c.

If any money in arrear to be forthwith paid.

V. And be it further enacted by the authority aforesaid, That the several colonels of the respective disbanded regiments, which served in the late wars, shall forthwith state the account with the several captains of the several troops and companies, or their agents in their behalf, and within ten days after the receipt of such monies, pay over such monies as shall be found in their hands, due to such captains and their troops and companies; which captains are hereby required in like manner, within ten days, to account with and pay over to every particular inferior

Colonels of disbanded regiments to state their accounts with their captains.

Captains to account with their inferior officer,

officers and
soldiers.

Penalty on
officer neglect-
ing.

officer, private centinel and soldier, or to such other person or persons as have right to receive the same, such monies as shall appear to be justly due to them, and so coming to their hands, as aforesaid, under the penalty of forfeiting double the sum which shall so appear to be due from every colonel, agent or captain who shall neglect or refuse to do and perform their duties hereby enjoined.

Disbanded
soldiers freed
from arrest for
3 years, &c.

VI. And for the better enabling and encouraging the said disbanded soldiers (other than commission officers) to exercise and set up their trades, in such manner, as aforesaid, it is hereby further enacted and declared by the authority aforesaid, That such of the said disbanded soldiers (other than commission officers) as shall so set up and exercise their trades, as aforesaid, with their stock and tools used in or about the exercising their said trades, shall be, and are hereby freed for the space of three years, to be accounted from the first day of *May*, one thousand six hundred ninety nine, from having their persons arrested or imprisoned, or their said stock or tools seized, distrained or taken in execution for any debt or monies which was or were owing by them, either or any of them, at the time when they respectively were first listed into his Majesty's service; any thing to the contrary notwithstanding.

For debt, &c.

C A P. XII.

An act for raising the militia for the year one thousand six hundred ninety nine, although the month's pay formerly advanced be not repaid.

r W. & M. II.
s. c. 8.

AND whereas papists, reputed papists, and such persons as do or shall refuse to take the oaths mentioned in an act of parliament, made in the first year of the reign of King William and Queen Mary, intituled, An act for abrogating the oaths of supremacy and allegiance, and appointing other oaths, *when lawfully tendred to them, are not thought fit to be intrusted with setting out horses and arms in the militia of this kingdom*; be it enacted by the authority aforesaid, That where any papist, or reputed papist, or other person refusing to take the oaths as aforesaid, are in respect of their estates charged or chargeable to the finding any horse, horseman and arms, or any foot soldier and arms, the lieutenant or lieutenants, or in their absence, the deputy lieutenants of and for the county, riding, division or place where such estates do lie, or three or more of them, are hereby authorized and empowered to nominate and appoint such person or persons as they shall think most meet and proper, to furnish and set forth one or more horse, horsemen and arms, or foot soldiers and arms, for the said estates; and shall and may charge the same estates with the payment of the yearly sums hereafter mentioned; that is to say, For a horse, horseman and arms, the sum of eight pounds, and for every foot soldier and arms, the sum of thirty shillings, to be paid to the persons that shall furnish and set forth the same; and in case such papist, or reputed

Papists
chargeable
with finding
horse and
arms, &c.

Lieutenant,
&c. to furnish,
and charge
such papists
estates with
payment, &c.

puted papist, or person refusing to take the oaths as aforesaid, shall neglect or refuse to pay the same upon demand, it shall and may be lawful to and for the said lieutenants, or three or more of the said deputy lieutenants, by warrant under their hands and seals, to levy the same by distress and sale of the goods of such papist, or reputed papist, or person refusing to take the oaths as aforesaid, or upon his and their several and respective tenant or tenants, and the remaining arrears from the said persons refusing the discharge thereof, for the like services already performed, to be adjudged and determined by three deputy lieutenants, or more of them, rendering the overplus to the party so distrained, all necessary charges in levying thereof being first deducted; and the tenant or tenants so paying or distrained on as aforesaid, shall and are hereby impowered to deduct the same out of their rents payable for the said estates.

III. And be it further enacted by the authority aforesaid, That where two or more persons are charged to find any horse or foot soldier and arms, it shall and may be lawful to and for any three or more deputy lieutenants of the same county, riding, division, limits of the cinque ports, or other places, to direct and appoint who shall find the horse and arms, or foot soldier and arms, and who shall be the contributors, and to settle the sums of money to be paid by every contributor, in case the same contribution be not ascertained by agreement of the parties: and if any person so charged as a contributor, being inhabitant of the said county, riding, division, limits of the cinque ports, or other place, shall refuse to pay his proportion upon demand, or in case he be not an inhabitant in that county, riding, division, limits of the cinque ports, or other place, his tenant or tenants, whose estate is charged with the same proportion, shall neglect or refuse to pay his said proportion upon demand, that then it shall and may be lawful to and for three or more deputy lieutenants of the said county, riding, division, limits of the cinque ports, or other place, by warrant under their hands and seals, to levy such sum and sums of money, by distress and sale of the goods of the person so neglecting or refusing to pay, if he be an inhabitant of the same county, riding, division, limits of the cinque ports, or other place, and in case he dwell out of the county, riding, division, limits of the cinque ports, or other place, then by distress and sale of the goods of his tenant or tenants, or the estate charged with the same proportion, rendering the overplus to the party, all necessary charge in levying thereof being first deducted; and the tenant and tenants is and are hereby authorized and impowered to deduct and default the sum so charged, out of the rent by him or them payable to his or their landlord; and the sum so levied, shall be paid according to the direction of the warrant of such three or more deputy lieutenants. *These clauses made perpetual by 1 Annæ, stat. 2. cap. 23. sect. 3.*

Where two or more are charged with finding horseman and arms, Deputy lieutenant may direct who shall be contributors thereto, &c.

C A P. XIII.

EXP.

An act for continuing the imprisonment of Counter and others, for the late horrid conspiracy to assassinate the person of his sacred Majesty.

C A P. XIV.

An act for limiting certain times, within which writs of error shall be brought for the reversing fines, common recoveries and antient judgments.

No fine or recovery, &c. shall be reversed, unless writ of error be brought in 20 years after fine levied, &c.

WHEREAS fines and common recoveries are the principal assurances of mens estates, and titles and possessions depend thereon, and are protected and secured thereby, and by antient judgments, which nevertheless are reverfible at any time, without restraint or limitation, for any error or defect which happens therein by the ignorance or carelesness of clerks, and sometimes by unavoidable accidents: For the remedy whereof, and for the quieting mens titles and possessions under antient fines and recoveries, and antient judgments, be it enacted and ordained by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That no fine or common recovery, nor any judgment in any real or personal action, shall from and after the first day of May, one thousand six hundred ninety nine, be reversed or avoided, for any error or defect therein, unless the writ of error or suit for the reversing such fine, recovery or judgment, be commenced, or brought and prosecuted with effect, within twenty years after such fine levied, or such recovery suffered, or judgment signed or entred of record.

Proviso.

II. Provided always, That if any person who is or shall be intituled to any such writ of error as aforesaid, shall, at the time of such title accrued, be within the age of twenty one years, or covert, *Non compos mentis*, imprisoned, or beyond the seas, That then such person, his or her heirs, executors or administrators (notwithstanding the said twenty years expired) shall and may bring his, her or their writ of error, for the reversing any such fine, recovery or judgment, as he, she or they might have done, in case this act had not been made, so as the same be done within five years after his or her full age, discovery, coming of sound mind, enlargement out of prison, or returning from beyond the seas, or death, but not afterwards, or otherwise.

C A P. XV.

An act for continuing the act for the more easy recovery of small tithes.

7 & 8 W. 3. c. 6. continued for 7 years.

WHEREAS an act made in the seventh and eighth years of his present Majesty's reign, intituled, An act for the more easy recovery of small tithes, has been by experience found very useful and necessary; and whereas the said act was to continue but three years, and to the end of the next session of parliament, and is now near expiring;

piring; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act, with all the clauses and powers therein contained, shall continue and be in force for the space of seven years, from and after the expiration thereof as aforesaid, and from thence to the end of the next session of parliament, and no longer.

CAP. XVI.

An act to enable posthumous children to take estates as if born in their father's life-time.

WHEREAS it often happens, that by marriage and other settlements, estates are limited in remainder to the use of the sons and daughters, the issue of such marriage, with remainders over, without limiting an estate to trustees to preserve the contingent remainders limited to such sons and daughters, by which means such sons and daughters, if they happen to be born after the decease of their father, are in danger to be defeated of their remainder by the next in remainder after them, and left unprovided for by such settlements, contrary to the intent of the parties that made those settlements: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That where any estate already is or shall hereafter, by any marriage or other settlement, be limited in remainder to, or to the use of the first or other son or sons of the body of any person lawfully begotten, with any remainder or remainders over to, or to the use of any other person or persons, or in remainder to, or to the use of a daughter or daughters lawfully begotten, with any remainder or remainders to any other person or persons, that any son or sons, or daughter or daughters of such person or persons lawfully begotten or to be begotten, that shall be born after the decease of his, her or their father, shall and may, by virtue of such settlement, take such estate so limited to the first and other sons, or to the daughter or daughters, in the same manner, as if born in the life-time of his, her or their father, although there shall happen no estate to be limited to trustees, after the decease of the father, to preserve the contingent remainder to such afterborn son or sons, daughter or daughters, until he, she or they come *in esse*, or are born, to take the same; any law or usage to the contrary in any wise notwithstanding.

Reeve v Long.
3 Lev. 408.
Salk. 227.
Carth. 309.
Skin. 430.
Comb. 252.
4 Mod. 282. et
in Dom. Proc.

Estates limited
in remainder
to the lawful
issue of the bo-
dy of any per-
son;

Son or daugh-
ter born after
the decease of
the father,
may take such
estate as if
born in his
life-time, &c.
although
there be no li-
mitation to
trustees, &c.

II. Provided also, That nothing in this act shall extend or be construed to extend to divest any estate in remainder, that by virtue of any marriage or other settlement, is already come to the possession of any person or persons, or to whom any right is accrued, though not in actual possession, by reason or means of any afterborn son or sons, or daughter or daughters not happening to be born in the life-time of his, her or their father.

S 4

CAP.

CAP. XVII.

An act for suppressing of lotteries.

WHEREAS several evil-disposed persons, for divers years last past have set up many mischievous and unlawful games, called Lotteries, not only in the cities of London and Westminster, and in the suburbs thereof, and places adjoining, but in most of the eminent towns and places in England, and in the dominion of Wales, and have thereby most unjustly and fraudulently got to themselves great sums of money from the children and servants of several gentlemen, traders and merchants, and from other unwary persons, to the utter ruin and impoverishment of many families, and to the reproach of the English laws and government, by colour of several patents or grants under the great seal of England for the said lotteries, or some of them; which said grants or patents are against the common good, trade, welfare and peace of his Majesty's kingdoms: for remedy whereof be it enacted, adjudged and declared, and it is hereby enacted, adjudged and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such lotteries, and all other lotteries, are common and publick nuisances, and that all grants, patents and licences for such lotteries, or any other lotteries, are void and against law,

Lotteries declared publick nuisances, and all grants thereof void.

From 29 Dec. 1699. no person to keep open such lottery, &c.

Penalty on offender.

9 Ann. c. 6.

f. 36.

10 Ann. c. 26.

f. 109.

8 Geo. 1. c. 3.

f. 36.

9 Geo. 1. c. 19.

6 Geo. 2. c. 35.

f. 29.

II. And be it further enacted by the authority aforesaid, That from and after the nine and twentieth day of *December*, which shall be in the year of our Lord God one thousand six hundred ninety nine, no person or persons whatsoever shall publickly or privately exercise, keep open, shew or expose to be plaid at, drawn at, or thrown at, or shall draw, play or throw at any such lottery, or any other lottery, either by dice, lots, cards, balls, or any other numbers or figures, or any other way whatsoever; and that every person or persons that shall, after the said nine and twentieth day of *December*, exercise, expose, open or shew to be plaid, thrown or drawn at, any such lottery, play or device, or other lottery, shall forfeit for every such offence the sum of five hundred pounds, to be recovered by information, bill, plaint or action at law in any of his Majesty's courts at *Westminster*, wherein no effoin, wager of law, nor any more than one imparlance shall be allowed, one third part thereof to the use of his Majesty, his heirs and successors, one other third part thereof to the use of the poor of the parish where such offence shall be committed, and the other third part thereof, together with double costs, to the party that shall inform and sue for the same; and the said parties so offending shall likewise be prosecuted as common rogues, according to the statutes in that case made and provided.

Penalty on person playing at such lotteries,

III. And be it further enacted, That every person or persons, that after the said nine and twentieth day of *December*, shall play, throw, or draw at any such lottery, play, or device,

vice, or other lotteries, shall forfeit for every such offence the ^{12 Geo. 2. c. 28.} sum of twenty pounds, to be recovered by information, bill, plaint, or action at law, in any of his Majesty's courts at *Westminster*, wherein no essoin, wager of law, nor any more than one imparlance, shall be allowed, one third part thereof to the use of his Majesty, his heirs and successors, one other third part thereof to the use of the poor of the parish where such offence shall be committed, and the other third part thereof, together with double costs, to the party that shall inform and sue for the same.

IV. Provided nevertheless, That nothing in this act contained shall extend or be construed to extend to effect or to enforce the suppressing of a lottery, commonly called, *The Royal Oak Lottery*, for the remainder only of the term for which it now stands granted by letters patents under the great seal of *England*; any thing herein before contained to the contrary notwithstanding. ^{Royal Oak lottery to continue for the term granted by patent only.}

V. Provided also, That nothing in this act contained shall extend to effect, restrain, or prejudice the undertaking now in being, called, *The charitable adventure for the benefit of Greenwich hospital*, by the present undertakers thereof, with the approbation of the governors and commissioners appointed for the management of the said hospital, for any time before the four and twentieth day of *June*, one thousand seven hundred. ^{This act not to affect the lottery for Greenwich hospital.}

C A P. XVIII.

An act for taking off the remaining duties upon glass wares.

WHEREAS in and by an act made and passed in the parliament holden at *Westminster*, in the sixth year of his Majesty's reign, intituled, An act for granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals, and culm, for carrying on the war against *France*, several rates and duties, therein mentioned, were laid upon all glass and glass wares, stone and earthen bottles, which at any time or times, during the term of five years, from the nine and twentieth day of September, which was in the year of our Lord one thousand six hundred ninety five, should be made within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, or imported, or brought into the same; and in and by another act made and passed in the parliament holden at *Westminster*, in the seventh year of his Majesty's reign, intituled, An act ^{6 W. 3. c. 18.} for continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco pipes, and other earthen wares, for carrying on the war against *France*, and for establishing a national land bank, and for taking off the duties upon tunnage of ships, and upon coals, the aforesaid rates and duties upon glass or glass wares, stone bottles, and earthen bottles, are continued and granted to his Majesty, his heirs and successors for ever: and whereas by another act made and passed in the parliament holden at *Westminster*, in the ninth year of his Majesty's reign, intituled, An act for taking away half the duties imposed on glass, and the whole duties lately laid on stone and earthen wares, and tobacco pipes, and for granting (in lieu thereof) ^{7 W. 3. c. 31.} ^{9 W. 3. c. 45.}

thereof) new duties upon whale fins and Scotch linen, *it is (amongst other things) enacted, That from and after the first day of August, one thousand six hundred ninety eight, one moiety or half-part of the several rates and duties by the aforesaid acts, or either of them, charged and made payable for or upon the said glass and glass wares, should cease, determine, and be no longer payable to his Majesty, his heirs or successors; as by the said several acts of parliament, relation being thereunto severally had, may more fully appear: and whereas it is found by experience, that the remaining duties on glass and glass wares are very vexatious and troublesome in the levying and collecting the same, and of small advantage to the crown, and, should the same be continued, would lessen the duty on coats, much more than the said duties on glass wares will amount to, will hinder the employing great numbers of poor, and endanger the loss of so beneficial a manufacture to this kingdom: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, one thousand six hundred ninety nine, the remaining moiety or half-part of the several rates and duties by the aforesaid acts, any or either of them, charged or imposed, for and upon the said glass or glass wares, shall cease, determine, and be no longer payable, paid, or collected to or to the use of his Majesty, his heirs or successors, in any manner of wise; any thing in the said acts, any or either of them, contained to the contrary notwithstanding.*

Remaining
duties on glass
and glass
wares deter-
mined.

CAP. XIX.

An act for the making and keeping navigable the rivers of Aire and Calder in the county of York.

The undertakers may build locks, weirs, &c. make ways, &c. or turn high-ways, and let out towing-paths, satisfying the owners. Commissioners to be mediators between the undertakers and owners of lands, &c. Persons refusing to agree, &c. Sheriff of York to impanel a jury. Jury on oath to inquire and assess damages. Commissioners thereupon to give judgment, which shall be binding, and kept among the records at the sessions, and a transcript thereof at Leeds. On payment of the sums agreed, &c. Undertakers may dig, &c. Commissioners in case of death or refusal, may nominate others, having an estate of 200l. per annum, or 4.000l. For every tun of cloth or other goods, &c. carried up or down the said rivers from Weeland to Leeds and Wakefield. &c. yearly from 1 May to 1 October, 10s. And from 1 October to 1 May, 16s. &c. On non-payment undertakers may sue, or detain the goods, &c. Watermen, &c. may set up winches, &c. Barge or boat masters answerable for damages, to the weirs, locks, &c. or to the owners of lands, &c. Commissioners to have the sole power of surveying the said rivers, &c. and exempted from commissions of sewers. Undertakers to be at the sole charge of cleansing, &c. Undertakers obliged to purchase mills, &c. at the rates appointed, and satisfy the owners for damages. Undertakers to raise the banks of the rivers proportionably, and maintain the same in good repair. Royalties, &c. of Pontefract reserved. Knottingley mill dam not to be demolished. No new cut to be made between Weeland and Ouze. This act not to prejudice Pontefract antient tolls, &c. Knottingley boats, &c. exempted from toll.

CAP.

CAP. XX.

An act for making and keeping the river Trent, in the counties of Leicester, Derby, and Stafford, navigable.

William lord Paget, lord of the manor of Burton upon Trent, &c. to have full power for making the river Trent navigable, from Wilden Ferry to Burton town, and cut the banks, &c. and alter and amend the same, and make ways, &c. and towing-paths. Commissioners to adjust differences, and settle the satisfaction to be made. Persons not agreeing, commissioners to ascertain the damages, on the oaths of a jury, and decree what recompence the owner shall have, which shall be conclusive, &c. If the matter lie between two counties, sheriff of each to summon twelve men. On payment of money assessed, undertaker may act, &c. No commissioner to act where personally concerned. No meeting to be held above seven miles from the place in question. In case of death of commissioners, survivors may nominate others, having 100l. per ann. Undertaker to have 3d. a tun for all goods, &c. carried on the river above Wilden Ferry. Lord Paget, &c. may make by-laws, &c. and set fines, which shall be binding. Justices of assize may alter or reform the same. Master of barge or boat answerable for damage, &c. Commissioners to survey the river and banks, &c. and make orders and decrees, &c. at the undertaker's charge. Lord Paget to set up gates, bridges, &c. River Trent to be for ever a navigable river, from Gainesborough to Wilden Ferry, &c. Six hundred pounds to be raised on the inhabitants of Burton, over and above the 600l. raised by the duties. Parties aggrieved may appeal. All proceedings, &c. to be entred in a book, be kept by the steward of Burton, and recorded. Not to prejudice Wilden Ferry, and others. William Paget, esq; to act for his father during his absence. Manor of Burton coming to infant, guardians may act. River to take its ancient current by Repton. No person to come upon the earl of Huntingdon's lands, on the south side the river Trent, except Hey's meadow. If lock be made between the four flood-gates, &c. Lord Paget to keep the same in repair, &c. This act not to hinder the said earl from right of fishing, &c. No wharfs or warehouses to be erected between Nottingham bridges and Burton, &c. without commissioners consent.

CAP. XXI.

An act for laying further duties upon sweets, and for lessening the duties as well upon vinegar, as upon certain low wines, and whale fins, and the duties upon brandy imported, and for the more easy raising the duties upon leather, and for charging cynders, and for permitting the importation of pearl ashes, and for preventing abuses in the brewing of beer and ale, and frauds in importation of tobacco.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of England, in parliament assembled, as a further supply for your Majesty's necessary occasions, have given and granted unto your Majesty the rates and duties herein after mentioned, and do humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be raised, ^{Duties to be} levied, collected, and paid, to and for the use of your Majesty, ^{paid on sweets,} your heirs and successors, for and upon all sweets made or to be made

made within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, for sale (over and above all former duties already granted upon sweets, and which are to continue during the respective terms granted in the same) the rates and duties following; that is to say,

Sweets made
before 20 July,
1699. 12 s. per
barrel.

II. For every barrel of sweets made for sale, after the tenth day of *May*, one thousand six hundred ninety nine, and before the twentieth day of *July*, one thousand six hundred ninety nine, the sum of twelve shillings.

And before 25
March, 1701.
24 s. per bar-
rel.

III. For every barrel of sweets made for sale, after the nineteenth day of *July*, one thousand six hundred ninety nine, and before the twenty fifth day of *March*, one thousand seven hundred and one, the sum of twenty four shillings.

Before 25
March, 1706.
36 s. per bar-
rel by the
maker.

IV. And for every barrel of sweets made for sale, from and after the twenty fourth day of *March*, one thousand seven hundred, and before the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and six, the sum of six and thirty shillings: the said duties to be paid by the maker and makers of the said sweets, and so in proportion for greater or lesser quantities.

Liquors deem-
ed to be
sweets.
10 Geo. 2. c. 17.

V. And it is hereby declared, That all liquors made by infusion, fermentation, or otherwise, from foreign fruit or sugar, or from fruit or sugar mixt with other materials, and commonly made use of for recovering, increasing, or making of any kinds of wine or cyder, or of any liquor called *wine*, shall be deemed to be sweets within the meaning of this and all former acts for laying duties on sweets; and that the respective duties imposed on sweets by every of the said former acts are chargeable by the barrel, and so in proportion for any greater or lesser quantity; and that any person who is a retailer of, or shall at any time sell or make use of, any the liquors aforesaid, for any the purposes before mentioned, and in whose custody any quantity of such sweets, exceeding two gallons, shall be found, shall be deemed and taken to be a maker of sweets for sale within the meaning of this and the said former acts.

Duties charge-
able by the
barrel.
Maker of
sweets.

Proviso.
Refiners of
sugar.

VI. Provided always, and be it enacted by the authority aforesaid, That all refiners of sugar, who shall before the first day of *June*, one thousand six hundred ninety nine, enter into a bond or bonds to his Majesty, of the penal sum of five hundred pounds, upon condition that he or they shall not sell, deliver out, or dispose of any sweets or liquors, commonly called *syrups*, made from sugar (except mellassuses) or make use of the same, in making or increasing, or improving any wine, cyder, or perry, or any liquor called *wine*, shall not be chargeable with the duties of sweets or syrups hereby imposed, which he or they shall make from sugar, until he or they shall so sell, dispose, or make use of such sweets or liquors made from sugar.

Duties how
appropriated.

VII. And it is enacted by the authority aforesaid, That the duties on sweets hereby granted shall be applied, and are hereby appropriated, for the same uses and purposes, to which part of
the

the present duties on sweets, with all the duties on malt, are appropriated, by an act of parliament made in the eighth year of 8 W. 3. c. 22. his Majesty's reign.

VIII. And whereas by virtue of several acts of parliament now in force, there are several different rates and duties imposed on vinegar, vinegar beer, or liquors prepared for vinegar, made within this kingdom for sale, by which means the same liquor is twice charged in different operations; and it is found by experience, that vinegar made by passing through rape is much better for any use at home, and fitter for exportation, than any other sort of English vinegar; and that the high duties chargeable on rape vinegar by the former acts are so great a discouragement to the makers thereof, that little or none is made, whereby his Majesty is defeated of the said high duties, and the nation deprived of a good and sound commodity; be it therefore enacted by the authority aforesaid, That from and after the tenth day of *May*, one thousand six hundred ninety nine, all the duties on vinegar, vinegar beer, and liquors preparing for vinegar, which might be chargeable after the said tenth day of *May*, one thousand six hundred ninety nine, by virtue of the said former acts, or any of them, shall cease and determine.

From 10 May, 1699. Duties on vinegar, &c. to cease.

IX. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *May*, one thousand six hundred ninety nine, there shall be raised, levied, collected and paid, for and upon every barrel of vinegar, vinegar beer, or liquors preparing for vinegar, which shall be brewed or made of any *English* or foreign materials, by any person or persons whatsoever, for sale, and so in proportion for a greater or lesser quantity, the sum of eight shillings, to be paid by the maker thereof, in the manner hereafter in this act expressed.

From 10 May, maker to pay 8 s. per barrel for vinegar, &c.

Vinegar made for pickles for sale to pay duty by 8 Annæ, c. 7. s. 4.

X. And it is hereby enacted and declared by the authority aforesaid, That the duties on vinegar, vinegar beer, and liquors preparing for vinegar hereby granted, shall be raised and paid during the respective terms hereafter mentioned, and no longer: and the monies thereby arising shall be paid, applied and disposed to and for the respective uses and purposes following, that is to say, six pence, part of the said duty of eight shillings for every barrel of vinegar, vinegar beer, or liquor preparing for vinegar, shall be raised, collected and paid to his Majesty during his life, in lieu of the like duty of six pence charged on every barrel of vinegar beer, by an act made in the second year of the reign of his present Majesty and the late Queen, intituled, *An act for granting to their Majesties for their lives, and the life of the survivor of them, certain impositions upon beer, ale and other liquors, and shall be paid, applied and disposed of, to and for the same uses and purposes, as the duties granted by the same act are directed to be applied and disposed of; six pence more, part of the said eight shillings, to his Majesty, his heirs and successors, in lieu of the like duty of six pence charged on every barrel of vinegar beer, by an act made in the twelfth year of the reign of the late King Charles the Second, intituled, An act for taking away the court of wards and liveries, and tenures in Capite, and by knights*

The terms of payment.

Money arising thereby how applied.

2 W. & M. c. 1. c. 3.

12 Car. 2. c. 24.

4 W. & M. c. 3.

5 & 6 W. & M.
c. 7.5 & 6 W. &
M. c. 20.What liquors
shall be deem-
ed vinegar, &c.

knights service, and purveyance, and for settling of a revenue upon his Majesty in lieu thereof, and shall be applied and disposed of to and for the same uses and purposes, as the duties granted by the same act are directed to be applied and disposed of; two shilling and four pence, part of the said eight shillings, to his Majesty, his heirs and successors, during the remainder of a term of ninety nine years, commencing from the twenty eighth day of January, one thousand six hundred ninety two, in lieu of certain duties imposed on vinegar, and vinegar beer, and liquors prepared for vinegar, by an act made in the fourth year of his present Majesty and the said late Queen, intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France, and shall be applied and disposed of to and for the same uses and purposes, as the duties granted by the same act are directed to be applied and disposed of; two shillings and four pence, part of the said eight shillings, to his Majesty, his heirs and successors, during the remainder of a term of sixteen years, commencing from the seventeenth day of May, one thousand six hundred ninety seven, in lieu of certain duties imposed on vinegar, vinegar beer, and liquors prepared for vinegar, by an act made in the fifth and sixth years of the reign of his present Majesty and the said late Queen, intituled, An act for granting to their Majesties certain rates and duties upon salt, and upon beer, ale and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France, and shall be applied and disposed of to and for the same uses and purposes, as the duties granted by the same act are directed to be applied and disposed of; two shillings and four pence, residue of the said eight shillings, to his Majesty, his heirs and successors, in lieu of certain duties imposed on vinegar, vinegar beer, and liquors prepared for vinegar, by another act made in the same years, intituled, An act for granting to their Majesties certain rates and duties upon tunnage of ships and vessels, and upon beer, ale and other liquors, for securing certain recompences and advantages in the said act mentioned to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against France, and shall be applied and disposed of to and for the same uses and purposes, as the duties granted by the same act are directed to be applied and disposed of.

XI. And for avoiding disputes and controversies which may arise touching liquors preparing for vinegar, be it enacted and declared, That all stale beer, returns of beer or ale, cyder, verjuice or any other liquors proper to be made into vinegar, which at any time after the said tenth day of May, one thousand six hundred ninety nine, shall be found in the custody or possession of any common vinegar maker (except such beer, ale and other liquors as are to be drank in his family, and which shall be kept

sepa-

separate and apart for that purpose) shall be deemed and taken to be vinegar or liquors preparing for vinegar within the meaning of this act.

XII. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *May*, one thousand six hundred ninety nine, no vinegar maker shall receive into his custody any stale beer, returns of beer or ale, cyder, verjuice or other liquors, proper to be made into vinegar, nor carry or deliver out any vinegar in casks, or by the gallon, without notice thereof first given to the officer of excise for the place or division where such maker shall inhabit, to the intent that such officer may be present, to see and take an account of the same, unless at such times as herein after are mentioned; that is to say, from the nine and twentieth day of *September*, to the five and twentieth day of *March* yearly, between the hours of seven in the morning and five in the evening, and from the said five and twentieth day of *March*, to the nine and twentieth day of *September* yearly, between the hours of five in the morning and seven in the evening; upon pain that every maker doing contrary thereunto, shall forfeit for every such offence the sum of fifty pounds.

No vinegar maker shall receive or deliver out liquors, &c. without notice to officer, &c.

Penalty.

XIII. And be it further enacted by the authority aforesaid, That from and after the said tenth day of *May*, one thousand six hundred ninety nine, every vinegar maker, receiving into his custody any of the liquors aforesaid, shall shew the same to the gager of the division where such maker shall live, before he mix the said liquors so received, or any part thereof, with any other liquors, rape or other materials, on pain to forfeit for every such omission or neglect the sum of twenty pounds.

Maker to shew gager the liquors before mixt.

Penalty.

XIV. And be it further enacted by the authority aforesaid, That if any vinegar maker shall at any time after the said tenth day of *May*, one thousand six hundred ninety and nine, without first giving notice thereof, at the next office of excise, make use of any storehouse, warehouse, cellar or other place for the making, laying or keeping any vinegar, vinegar beer, or liquors preparing for vinegar, every such vinegar maker shall forfeit and lose for every such private storehouse, warehouse, cellar, and other place so made use of without such notice as aforesaid, the sum of fifty pounds.

Penalty on vinegar maker neglecting to give notice.

XV. And whereas the duties on vinegars and vinegar beer, charged by the former acts, were computed by different measures, whereby disputes and controversies have arisen touching the charging of the same: for preventing whereof for the future, be it enacted and declared by the authority aforesaid, That every thirty and four gallons taken by the gage, according to the standard of the ale quart (four whereof shall be deemed a gallon) remaining in the custody of the chamberlains of his Majesty's Exchequer, from and after the said tenth day of *May*, one thousand six hundred ninety-nine, shall be reckoned, accounted and returned by the gager for a barrel of vinegar, vinegar beer, or liquor preparing for vinegar; any thing in the said former acts, or any of them, or

34 gallons shall be accounted a barrel of vinegar, &c.

any

any other law, statute or provision to the contrary thereof in any wise notwithstanding.

Stock how
chargeable.

XVI. *And whereas several makers of vinegar may have in their custody several quantities of vinegar beer, or liquors preparing for vinegar, on the said tenth day of May, one thousand six hundred ninety nine, for which they may then stand charged with, or have answered to his Majesty, some of the duties imposed by the former acts; be it enacted and declared by the authority aforesaid, That every such vinegar maker shall, by virtue of this act, be chargeable for such vinegar beer, or liquors preparing for vinegar, with so much only as shall make the duties charged thereon by virtue of the former acts, eight shillings for every barrel thereof, and no more; any thing therein contained to the contrary notwithstanding.*

7 W. 3. c. 30.

XVII. *And whereas it is found by experience, That the art of distilling spirits or brandy in this kingdom is of late years very much improved, and that spirits or brandy made here from melasses and sugar, which are the produce of the English plantations, is near as good as brandy imported from foreign parts: and whereas by an act made in the seventh year of the reign of his present Majesty, intituled, An act for laying several duties upon low wines or spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise, there is a duty of eight pence imposed upon every gallon of low wines or spirits of the first extraction, made or drawn from any foreign or imported materials, or any mixture with foreign materials, and a duty of three pence upon every gallon of low wines or spirits of the first extraction made or drawn from any English materials, other than drink made or brewed from malted corn, or from brewers wash or tilts, which said high duties are a great discouragement to the making of the said commodities, and do occasion undue practices in the same; be it therefore enacted by the authority aforesaid, That from and after the tenth day of May, one thousand six hundred ninety nine, four pence per gallon, part of the said duty of eight pence imposed upon every gallon of low wines and spirits of the first extraction, made or drawn from any foreign or imported materials, or any mixture with foreign materials, and one moiety or half part of the said duty of three pence upon every gallon of low wines or spirits of the first extraction, made or drawn from any English materials (other than drink made or brewed from malted corn, or from brewers wash or tilts) granted by the said former act, shall cease and determine, and be no longer payable to his Majesty, his heirs or successors, in any manner of wise; any thing in the said act to the contrary notwithstanding.*

From 10 May, 1699. One moiety of the duties on low wines, &c. to cease.

Act not to void the payment of duties already due.

Former act 7 W. 3. c. 30. continued.

XVIII. *Provided always, and it is hereby enacted, That this act, or any thing herein contained, shall not extend to take away, lessen or make void the payment of any sum or sums of money accruing or becoming due to his Majesty, for any low wines or spirits of the first extraction, actually made or drawn from any of the materials before mentioned, before the said tenth day of May, one thousand six hundred ninety nine, and which shall be then due and owing to his Majesty; and that all*
and

and every the clauses, matters and things in the last mentioned act contained, for charging, securing, raising, levying or paying the whole duties on the said low wines and spirits of the first extraction, which were thereby granted, and for disposing, applying and appropriating the same to the uses and purposes therein mentioned, shall be applied, practised and put in execution for the charging, securing, levying, raising and paying the said remaining parts of the said duties upon low wines or spirits (not hereby taken away) and for disposing, applying and appropriating thereof to the same uses and purposes, as fully and effectually as if the said clauses, matters and things were for that purpose again repeated and particularly re-enacted by this present act.

XIX. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters and things, which in and by an act of parliament made in the twelfth year of the reign of the late King *Charles the Second*, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite, and by knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force relating to his Majesty's revenue of excise upon beer, ale and other liquors, are provided, settled or established for raising, levying, collecting, recovering, adjudging or ascertaining the duties thereby granted, or any of them (other than in such cases for which other penalties or provisions are made and prescribed by this act) shall be exercised, practised, applied, used, levied, recovered and put in execution for the raising, levying, collecting, recovering, and paying, as well the said duties upon sweets, as the said duties upon vinegar, vinegar beer, or liquors preparing for vinegar, and the several duties upon low wines or spirits of the first extraction, during the continuance of the same, or any of them, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things were particularly repeated and again enacted in the body of this present act.

XX. And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, by this act imposed, shall be sued for, levied, and recovered by such ways, means, and methods, as any fine, forfeiture, and penalty, is or may be recovered by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, at *Westminster*; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall discover, inform, or sue for the same.

XXI. Provided always, and be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or any other act relating to his Majesty's revenue of excise, he or they shall and may plead the

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general

General issue. general issue, and give this act and the said respective acts in evidence for his or their defence, and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs be nonsuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

Treble costs.

Gagers to keep account of wash, &c.

XXII. *And whereas it is found by experience, that any quantity of wash made of melasses, will, upon distillation, produce one fourth part of the same quantity into low wines or spirits of the first extraction; and that such low wines or spirits upon the second distillation will produce two third parts of the quantity of the same low wines or spirits into proof spirits, or spirits of the second extraction: and whereas many distillers do hide and conceal great quantities of such low wines and spirits from the sight and view of the gager, before he can come to charge the same, by means whereof his Majesty is very much defrauded in his duties on such low wines and proof spirits: be it therefore enacted by the authority aforesaid, That from and after the said tenth day of May, one thousand six hundred ninety nine, it shall and may be lawful to and for the gagers and officers of excise to keep an account of all such wash, which shall from time to time be found by him or them in the hands of any distiller, and upon any decrease thereof, to charge such distiller with so much low wines or spirits of the first extraction, as one fourth part of the wash so decreased shall amount unto; and also with so much proof spirits, or spirits of the second extraction, as two third parts of the low wines or spirits of the first extraction, so charged as aforesaid, shall amount unto; and such distiller shall pay the respective duties of the low wines and spirits so charged, as by the former act is directed and appointed; any thing in the said act, or any other statute, to the contrary thereof in any wise notwithstanding.*

Distiller to pay the duties.

10 & 11 W. 3. c. 4. s. 7.

XXIII. *And whereas by an act next herein after recited, it is enacted, That upon the discovery of any private still, back, or other vessel, according to the directions of the said act, every such still, back, and other vessel, shall be seized, and that the owner or owners of every such still, back, and other vessel, who shall claim the same within twenty days after such seizure, shall forfeit and lose for every such still, back, and other vessel, the sum of two hundred pounds: and whereas upon the discovery of several private stills and backs since the commencement of the said act, some doubt hath been made whether the owners of such stills and backs, by refusing to claim the same within the time limited by the said act, may not avoid the penalties thereby imposed; be it enacted, That from and after the tenth day of May, one thousand six hundred ninety nine, the proprietor of any such private still, back, or other vessel, which shall be discovered according to the directions of the said act, or the person in whose custody the same shall be found, shall forfeit and lose for every such still, back, and other vessel, the said penalty of two hundred pounds; any thing in the said act, or any other law or statute, to the contrary in any wise notwithstanding.*

Proprietor of private still, &c. discovered, to forfeit 100 l.

10 & 11 W. 3. c. 4.

XXIV. *And whereas by an act made in this present session of parliament,*

liament, intituled, An act to prohibit the excessive distilling of spirits and low wines from corn, and against the exporting of beer and ale, and to prevent frauds in distillers, it is enacted, That no person whatsoever, from and after the last day of January, in the year of our Lord one thousand six hundred ninety eight, and before the first day of February, which shall be in the year of our Lord one thousand six hundred ninety nine, shall draw, distill, or make any brandy, Aquavitæ, spirits, or low wines whatsoever, other than such quantities as are allowed by the said act, from any malt, corn, or grain whatsoever, under the penalties and forfeitures therein mentioned: and whereas several distillers of this kingdom, their servants and agents, had incurred the penalties of the said law, without any knowledge thereof, by distilling in the two months betwixt the last of January, one thousand six hundred ninety eight, and the first of April, one thousand six hundred ninety nine, greater quantities of spirits or low wines from corn than the said act doth allow; be it therefore enacted by the authority aforesaid, That every such distiller, his servant, or agent, who in the next succeeding month or months after the one and thirtieth day of March, one thousand six hundred ninety nine, shall abate of the quantities of such low wines and spirits, which he might lawfully draw in the same, so much as he exceeded the quantities allowed in the said two months, shall not be prosecuted, or have any penalty inflicted upon him, for or on account of such breach of the said act in the said two months; any thing in the said act to the contrary notwithstanding.

XXV. *And whereas the pecuniary penalties inflicted by an act 8 W. 3. c. 21 made in the eighth year of his Majesty's reign, for laying several duties upon leather, for the term of three years, are directed to be sued for by action of debt, or on the case, or by bill, suit, or information, in some court of record, whereby the recovery of those penalties are not only tedious and chargeable, but troublesome and vexatious, by multitudes of popular actions and informations brought by common informers: for the preventing whereof, and more easy and speedy recovering the pecuniary penalties inflicted by the said act, be it further enacted by the authority aforesaid, That from and after the tenth day of May, one thousand six hundred ninety nine, it shall and may be lawful to and for any two or more of the justices of the peace, residing near to the place where any such forfeiture shall be made, or offence committed, to hear and determine the same, who are hereby authorized and required, upon any information exhibited or brought for any of the pecuniary penalties by the said act inflicted, to summon the party accused, and also the witnesses on either side, and upon the appearance, or contempt of the party accused in not appearing (upon proof of notice given) to proceed to the examination of the witnesses upon oath (which oath they are hereby impowered to administer) and to give judgment or sentence accordingly; and where the party accused shall be convicted of the offence alledged against him, to award and issue warrants under their hands for the levying of such penalty or penalties on the goods of the offender, and to*

Penalties in the leather act may be determined by two justices of peace, &c. Who may summon the party, examine witnesses on oath, and give judgment. Penalty to be levied on offender's cause goods.

Party aggrieved may appeal.

Justices may mitigate the penalty.

cause sale to be made thereof, in case they shall not be redeemed within six days, rendering to the party the overplus, if any be; and if either party shall find himself aggrieved by the judgment of the said justices, then he or they may appeal to his Majesty's justices of the peace, at the next quarter sessions, in like manner as by the said recited act is mentioned in case of appeal. E X P.

XXVI. Provided nevertheless, That it shall and may be lawful to and for the said respective justices, where they shall see cause, to mitigate or lessen such penalty, in such manner as they in their discretion shall think fit, the reasonable costs and charges of the officers, as well in making the discovery, as in the prosecution of the same, being always allowed over and above such mitigation, and so as such mitigation do not reduce the fine to less than one fourth part thereof, over and besides the said costs and charges; any thing in the said recited act to the contrary notwithstanding.

12 Car. 2. c. 24.

2 W. & M. II. 1. c. 3.

4 W. & M. c. 5.

5 W. & M. c. 7.

5 W. & M. c. 20.

8 W. 3. c. 20.

XXVII. And whereas by one act made in the twelfth year of the reign of King Charles the Second, a duty of four pence was imposed upon every gallon of strong waters perfectly made, imported from beyond the seas, to be paid for ever; and by one other act, made in the second year of the reign of his present Majesty, and the late Queen of blessed memory, the like duty of four pence per gallon thereupon, is payable during his Majesty's life; and by another act, made in the fourth year of their said Majesties reign, there is a duty of six pence imposed upon every gallon of single brandy imported, and a duty of twelve pence on every gallon of double brandy imported, for the term of ninety nine years, commencing on the twenty fifth day of July, one thousand six hundred ninety two; and by one other act, made in the fifth year of their said Majesties reign, there is a duty of two shillings imposed upon every gallon of single brandy, and four shillings upon every gallon of double brandy imported, for the term of sixteen years, commencing the seventeenth day of May, one thousand six hundred ninety seven; and by one other act, made in the same year, there is a duty of six pence upon all single brandy, and one shilling on all double brandy imported, granted in perpetuity; all which duties upon single brandy do amount to three shillings and eight pence for every gallon, and upon double brandy to six shillings and eight pence for every gallon for the excise thereof, over and above other duties which are payable for the customs of the same: and it is nevertheless doubted, that by the general words of an act of parliament, made in the eighth year of his Majesty's reign, intituled, An act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of England, and for raising the publick credit, a further duty of two shillings for every gallon of single brandy, and of four shillings for every gallon of double brandy imported (which had been granted in the fourth year of the reign of his Majesty and the said late Queen) were and are (in strictness) imposed or chargeable from the last day of February, one thousand six hundred ninety six, until the first day of August, which shall be in the year of our Lord, one thousand seven hundred and six, which (if required

required or insisted upon) would amount to a prohibition of the said commodities; be it therefore enacted and declared by the authority aforesaid, That the said act, for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of England, and for raising the public credit, or any thing therein contained, shall not extend or be construed to extend to charge single brandies imported with the last mentioned duty of two shillings for every gallon, or double brandy imported with the last mentioned duty of four shillings for every gallon, or any part thereof, from the commencement or during the continuance of the act last mentioned; any thing therein contained to the contrary notwithstanding.

XXVIII. And be it enacted by the authority aforesaid, That there shall be raised, levied, collected, and paid unto and for the use of his Majesty, his heirs and successors, for all cynders made of pit coal, which at any time or times, during the term of four years, commencing from the fifteenth day of May, one thousand six hundred ninety nine, shall be shipped or water-born in order to be shipped, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, or brought into the same, the sum of five shillings, of lawful English money, for every chalders, reckoning the chalders to consist of thirty six bushels Winchester measure, and after that rate for a greater or lesser quantity, to be paid at the respective ports and places of importation or landing of such cynders, and to be charged upon the respective owner and owners, master and masters, or other persons, having the charge of the ship or vessel in which the said cynders shall be carried, imported, or brought; and that the said duties upon cynders shall be under the management and government of the commissioners of the customs for the time being; and shall be raised, levied, and collected by such ways and means, and under the like penalties and forfeitures, and with such allowances, and according to such rules and methods, as in and by an act of parliament made in the ninth year of his Majesty's reign, intituled, *An act for granting to his Majesty several duties upon coals and culm*, are prescribed, authorized, or mentioned, for raising, levying, and collecting the duties thereby granted.

XXIX. And whereas the importation of tobacco in bulk hath given abundant opportunity to ill disposed persons to run the same on shore, without paying his Majesty's customs due thereon, to the great impairing of the revenue, and the no less prejudice of the fair trader: for remedy whereof, be it enacted by the authority aforesaid, That from and after the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred, no tobacco be brought or imported into this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, in any ship or vessel from any of his Majesty's plantations on the continent of America, nor shipped in any of the said plantations in order to be so imported, otherwise than in cask, chest, or case only, each cask, chest, or case whereof shall contain two hundred weight of neat tobacco at the least, and each hundred

Act 8 W. 3.
c. 20. not to charge single or double brandy with the duties of 2s. and 4s. per gallon.

5s. per chalders,

to be charged upon the owner.

Duties to be under management of the commissioners of the customs,

9W. 3. c. 13.

No tobacco shall be imported but in cask, chest, &c.

Each cask to contain 200lb weight.

Penalties.

thereof shall contain one hundred and twelve pounds, under the penalties and forfeitures following, that is to say, That all the tobacco so imported, or shipped to be imported, contrary to this act, shall be forfeited, and every person or persons offending, contrary to the true intent and meaning hereof, shall forfeit six pence for every pound weight thereof, two third parts thereof to his Majesty, his heirs and successors, and the other third part thereof to such person as shall seize and sue for the same : provided nevertheless, That such small quantities as shall be necessary for the ships companies smoaking in the said voyage, shall not be deemed or construed any breach of this act ; the said forfeitures and penalties to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, in which no essoin, protection or wager of law shall be allowed, nor more than one imparlance.

Pearl ashes may be imported.

XXX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons whatsoever, from and after the said tenth day of *May*, one thousand six hundred ninety nine, to import into *England*, *Wales*, or *Berwick upon Tweed*, from *Germany*, pearl ashes, being the product of *Germany*, paying his Majesty his customs and duties as pot ashes ; any law, custom or usage to the contrary in any wise notwithstanding.

paying custom as pot ashes.

New England whale fin, &c. to pay the same duties as Greenland whale fin. 9 & 10 W. 3. c. 45. 5 Geo. 2. c. 28. 22 Geo. 2. c. 45.

XXXI. And be it further enacted by the authority aforesaid, That all whale fin taken and caught by the people and inhabitants of *New England*, *New York*, and *Pennsylvania*, or any other his Majesty's plantations and colonies in *America*, and imported from thence, shall be chargeable with and pay to his Majesty (by virtue of an act of the last session of parliament, intituled, *An act for taking away half the duties imposed on glass wares, and the whole duties lately laid on stone and earthen wares, and tobacco pipes, for granting in lieu thereof, new duties upon whale fins and Scotch linen*) the like duties, as whale fin caught and imported in and by any ships or vessels whatsoever, of or belonging to the company established for the *Greenland* trade are chargeable withal, and no further or other duty by means or virtue of the said act only ; any thing in the said last mentioned act to the contrary notwithstanding.

8 & 9 W. 3. c. 22.

XXXII. And whereas the duties granted to his Majesty by one act of parliament, intituled, An act for granting to his Majesty certain duties upon malt, mum, sweets, cyder and perry, as well towards carrying on the war against *France*, as for the necessary expences of his Majesty's household, are likely to expire before they have fully answered and satisfied the ends and purposes for which they were granted : and whereas the commons in parliament assembled have declared they will make good all such deficiencies as shall happen upon the falling short of the said duties : and whereas there is a small interest of one farthing a day allowed by the last recited act, upon several bills or tickets, commonly called malt lottery tickets : now for the advancing the credit and value of the said bills or tickets, be it enacted by the authority aforesaid, That from and after the twenty

twenty fifth day of *March*, in the year of our Lord one thousand six hundred ninety nine, upon every such bill or ticket carrying the said interest of one farthing a day (other than such bills or tickets as shall be paid off and discharged by the duty now chargeable with the same) an additional interest of one farthing a day shall be allowed and paid respectively upon every such bill or ticket, until such bill or ticket shall be fully paid off and discharged.

Addition of a farthing a day interest to the malt tickets unpaid.

XXXIII. *And whereas by an act passed in the eighth year of his Majesty's reign (wherein certain duties were granted upon malt and other things) several tickets were made forth for several sums of money, payable with interest; several of which tickets are since burnt, lost or otherwise destroyed; be it further enacted by the authority aforesaid, That in all cases where it shall appear by affidavit, to be made before any of the barons of the Exchequer, that any ticket or tickets, being in course of payment, out of the monies arisen or to arise, on or before the tenth day of May, one thousand six hundred ninety nine, into the receipt of the Exchequer for the duties aforesaid, is or are burnt, destroyed, or otherwise lost, it shall and may be lawful for the officer or officers, appointed to pay or discharge the said annuities, on producing a certificate from the said baron, of such affidavit made before him, which affidavit the said barons, or any of them, is and are hereby authorized to take, and which certificate he or they are hereby required to grant without fee or reward; and on security given to the said officer to his good liking, to indemnify him against all other persons whatsoever, for or concerning the monies contained or specified in such ticket or tickets, or which was due thereon, he the said officer shall and is hereby required to pay and discharge the said tickets, being such as came in course within the time aforesaid, as if the said tickets had been produced, and shall be allowed such payment in his accounts; any thing in this or any other act contained to the contrary hereof in any wise notwithstanding.*

Malt tickets burnt or lost on affidavit made thereof and certificate,

Officer required to pay such tickets, &c.

XXXIV. *And whereas it is found by experience, That notwithstanding any law now in force, many common brewers do use great quantities of melasses in the brewing ale and beer, whereby the consumption of malt is very much hindered, and his Majesty defrauded of a great part of the duties of such ale and beer so brewed as aforesaid; be it therefore enacted by the authority aforesaid, That if any common brewer, or retailer of beer or ale, shall, after the said tenth day of May, one thousand six hundred ninety nine, make use of any melasses, coarse sugar, honey, or composition or extract of sugar, in the brewing, making or working of any ale or beer, or if any common brewer shall receive or take into his custody or possession any quantity of melasses, coarse sugar, honey, or composition or extract of sugar, exceeding ten pounds, every such brewer and retailer shall forfeit and lose for every such offence respectively the sum of one hundred pounds; and every servant of such brewer, and every other person, who shall be aiding and assisting in the using any melasses, coarse sugar, honey,*

Penalty on brewer using melasses, &c.

Penalty on brewers servants.

ney, or extract of sugar, in the brewing or working of such ale or beer, or in carrying or conveying the same into the house, brewhouse, or other place belonging to such brewer, shall also forfeit and lose, for every such offence, the sum of twenty pounds, and in default of payment thereof shall suffer three months imprisonment.

10 & 11 W. 3.
C. 9.

XXXV. *And whereas by an act of this present session of parliament, intituled, An act for granting to his Majesty the sum of one million four hundred eighty four thousand and fifteen pounds, one shilling, eleven pence three farthings, for disbanding the army, providing for the navy, and for other necessary occasions, it is amongst other things enacted, That a sum not exceeding the sum of six hundred thousand pounds, of the monies to be paid into the Exchequer by virtue of the said act, should be and is thereby appropriated in the first place to the paying and disbanding the forces enacted to be disbanded, and the residue of the said sum of six hundred thousand pounds, for and towards the subsistence and clearings of his Majesty's guards and garrisons within the kingdom of England, and the dominions thereunto belonging (Ireland excepted) for the year one thousand six hundred ninety nine, and to other the purposes in the said act mentioned: and whereas it is or may be doubted, whether any part of the said money, so appropriated to the subsistence and clearings of his Majesty's guards and garrisons, may or ought to be applied towards the paying the arrear of subsistence due to the said garrisons before the twenty fifth day of March, one thousand six hundred ninety nine, according to the course and payment, and true intention of the said last mentioned act; be it therefore enacted and declared by the authority aforesaid, That the money so appropriated and applicable to the subsistence and clearings of the guards and garrisons, for the year one thousand six hundred ninety nine, shall and may be applied as well to the payment of the said arrear of subsistence, due to the said garrisons at any time before the said twenty fifth day of March, one thousand six hundred ninety nine, as for and towards the subsistence and clearings of the said guards and garrisons for the year one thousand six hundred ninety nine; any thing in the said last mentioned act to the contrary in any wise notwithstanding.*

Money for
clearing the
guards and
garrisons how
to be applied.

10 & 11 W. 3.
C. 9.

XXXVI. *And whereas so much of the said sum of six hundred thousand pounds, mentioned in an act of this session of parliament (wherein a land tax is granted to his Majesty) as is or shall be sufficient for paying off and disbanding the regiments, troops and companies appointed and enacted to be disbanded as is therein mentioned, is appropriated for that purpose; it is hereby declared and enacted by the authority aforesaid, That out of the money so appropriated or appointed for paying off and disbanding of regiments, troops and companies as aforesaid, any sum not exceeding twenty thousand pounds, shall and may be issued, applied and distributed towards clearing the disbanded officers of the Scotch regiments which were on the English establishment, and the disbanded officers of the three English regiments, lately of colonel Henry Holt, colonel Luke Lillingston, and colonel Russell, which*

20,000l. to be
applied for
paying off dis-
banded offi-
cers of the
Scotch regi-
ments, &c.
and the 3 Eng-
lish regiments
of Holt, Lil-
lington, and
Russell.

which were in the *West Indies*, and for whom no half-pay is allowed; any thing in the said act contained to the contrary notwithstanding.

C A P. XXII.

An act for the more full and effectual charging of the duties upon rock salt.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, taking notice that by divers acts of parliament now in force, whereof some are for terms of years yet unexpired, and others in perpetuity, are imposed upon all salt and rock salt made within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, or taken out of any pit or pits within the same, to be raised, disposed and applied to and for the several uses and purposes in the same, or by some other act or acts of parliament in that behalf, expressed and declared; and being sensible that rock salt, which in and by the said acts, or some of them, is chargeable with the said duties, after the rate of one hundred and twenty pounds weight to the bushel, may be and is used in kind for curing fish, flesh and other purposes, without being refined into white salt, and all white salt made from brine, or otherwise, being chargeable with the said duties, after the rate of fifty six pounds weight to the bushel, and that one hundred and twenty pounds weight of rock salt, used in kind, will serve the use of almost two bushels of white salt, reckoned at fifty six pounds weight as aforesaid, whereby the makers of salt from brine have been and are extremely discouraged, and his Majesty's duties intended by the said acts have been and are very much impaired, have therefore resolved to increase your Majesty's duties upon all rock salt and salt rock, by reducing the bushel, according to which the duties thereof shall be paid for the future in the manner hereafter mentioned.

II. And be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That from and after the fifteenth day of *May*, in the year of our Lord one thousand six hundred ninety nine, every seventy five pounds weight of rock salt, or salt rock, taken out of any pit or pits within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall be deemed and taken to be a *Winchester* bushel, of eight gallons *Winchester* measure, and shall be entered, rated and taxed accordingly, to and for the several duties upon salt rock and rock salt, by the said several acts of parliament charged or made payable, instead of the bushel of one hundred and twenty pounds weight in the said acts or any of them mentioned, and greater or lesser quantities of the said salt rock, or rock salt, shall be reckoned proportionably; any thing in the said former acts, or any other law or statute whatsoever to the contrary notwithstanding.

III. And

III. And whereas by the said former acts, or some of them, it is provided, That all makers and proprietors of rock salt should make true entries with his Majesty's officers, of the quantities of salt by them taken out of any pit or pits, and should have a warrant or ticket from some one of the officers, to carry away the same, before the said salt made or taken out of any pit or pits, should be removed or carried from the respective pits; and that such warrant should be given gratis unto such maker or proprietor, upon paying or giving security for payment of his Majesty's duties within six months after such entry made; nevertheless the owners or proprietors of rock salt having by the said acts, or some of them, liberty to remove their rock salt into his or their own warehouses, or other places for securing thereof, for conveniently of selling or shipping off the same, after due entry made, and a warrant or ticket taken for the same from the officer next to such salt pits, and to pay and secure the duty when the said rock salt shall be sold and delivered, it is found by experience, that there is not a sufficient charge made and kept upon the said owners or proprietors, for all the rock salt or salt rock taken out of his or their pit or pits, but between the pits and the said storehouses (which are in many places contrived so as to be remote from the pits) or else before the selling and delivery of the said rock salt, great quantities thereof are run and embezzled, and never charged, to his Majesty's great damage, and the injury of such workers as justly pay his Majesty's dues: for remedy whereof be it further enacted by the authority aforesaid, That every owner proprietor of any such rock pit or pits, who after the said fifteenth day of May, one thousand six hundred ninety nine, shall take any rock salt or salt rock out of any such pit, shall, before the removal thereof, cause the same to be weighed in the presence of the officer appointed for the duties on salt; which officer is hereby authorized and required to attend at such salt pits, at all reasonable hours in the day-time, to see and take account of all such rock salt and salt rock so weighed, and thereof to make return or report, in writing under his hand, to the commissioners of excise, or to such person as they shall appoint to receive the same, leaving a true copy of such return, in writing under his hand, with such proprietor, and such report or return shall be a charge upon such proprietor respectively; and if any such proprietor shall refuse to weigh any such rock salt and salt rock, in the presence of the officer, when taken out of any pit, as aforesaid, or shall remove or convey, or suffer to be conveyed from such pit, any such rock salt and salt rock, before the same shall have been weighed, as aforesaid, every such proprietor shall forfeit and lose for every such offence the sum of twenty pounds, and also double the value of the rock salt and salt rock so removed, as aforesaid.

IV. And be it further enacted, That every proprietor of such rock pits shall pay and clear off the duties of all rock salt and salt rock so charged, as aforesaid, within two days after such charge was made, or shall within the said two days give security to pay the same within nine months; and every such proprietor, who shall not pay and clear off, nor give security to pay, as aforesaid, shall forfeit double the value of the said duties.

V. Pro-

Rock salt to be weighed before removal, in presence of an officer.

Owner to have a copy of the return.

Penalty on proprietor refusing to weigh rock salt, &c.

Duties to be cleared off in two days after charge made.

These nine enlarged to 12 months by 5 Annæ, c. 29. f. 5. Penalty.

V. Provided always, That if any person or persons shall within the said two days after such charges, as aforesaid, pay down the duty charged by this act, such person or persons shall be allowed after the rate of ten pounds *per centum per annum*, for the said time of nine months.

Allowance for prompt payment.

VI. Provided always, and be it enacted by the authority aforesaid, That where any such rock salt or salt rock, for which his Majesty's duties, after the rate of seventy five pounds weight to the bushel, shall have been first duly charged and paid or secured, according to the true intent and meaning of this act, shall be melted and refined, the person or persons who shall refine the same into white salt (which white salt is charged by the said acts with new duties, after the rate of fifty six pounds to the bushel) shall have an allowance or abatement out of the duties of the said white salt, of so much as was charged on the said rock so melted and refined, after the rate of seventy five pounds to the bushel; and not after the rate of one hundred twenty pounds the bushel, as by the said former acts was prescribed, so as the rock so refined was before the melting thereof weighed in the presence of the officer, and so as oath be first made before some justice of peace near adjoining to such salt works, of the particular quantities of such rock salt or salt rock so by such refiner employed in making the said white salt, and that he or any other person or persons, by his privity or knowledge, did not increase the said rock salt or salt rock, by mixing or other undue practice, and that no former allowance or abatement for the said rock salt or salt rock had been made or obtained to his use or benefit (which oath the said justice of the peace is hereby impowered to administer) and so as due proof be made upon oath, or otherwise, that the duties for the said rock salt or salt rock so refined were duly charged and paid, or secured to be paid, after the rate of seventy five pounds to the bushel, according to this act, and not otherwise; any thing in the said former acts to the contrary notwithstanding.

Allowance for rock salt refined into white salt.

Oath being first made,

and duties paid or secured.

VII. And to the end that rock salt or salt rock in kind, and salt refined and made from rock salt or salt rock may be exported, and the duties charged thereon be repaid; be it enacted by the authority aforesaid, That for all such rock salt, salt rock, and refined salt, made from rock salt or salt rock, as shall be exported from any port or place in this kingdom, dominion of *Wales*, or town of *Berwick upon Tweed*, into parts beyond the seas, by any person or persons whatsoever, there shall be allowed and paid for every bushel of such rock salt or salt rock, whereof the duties shall have been charged and paid, as aforesaid, after the rate of seventy five pounds weight to the bushel, and for every bushel of such refined salt made from rock salt or salt rock, whereof the duties shall have been charged and paid or allowed, after the rate of fifty six pounds to the bushel, the duties which shall have been so paid for every such bushel of rock salt, salt rock, or refined salt, so exported, to the person or persons exporting the same, by the officer or officers appointed

Rock salt, &c. exported, duties to be repaid. Further provisions relating hereto, 5 Annæ, c. 29. s. 16.

ed

Exporter to make oath that it shall not be re-landed in England, &c.

Explained by 2 & 3 Annæ, c. 14. s. 9 as to salt exported to Scotland, &c.

Penalty on officer refusing to pay.

Duties how to be raised, &c.

And fines, penalties, &c. recovered.

ed to collect the duties on salt in the same port from whence any such refined salt shall be exported, within two days after demand thereof, on a debenture to be prepared by the collector of the customs in the port where such rock salt, salt rock, or refined salt shall be entred out for exportation, and verified by the person executing the office of searcher in such port, as to the quantity of such rock salt, salt rock, or refined salt actually shipped; and that the oath of the exporter, or his agent, be first taken before the principal officers of the said port, before the debenture be allowed, who are hereby required and empowered to give the said oath, That the duties as aforesaid, for the rock salt, salt rock, or refined salt, in such debenture mentioned, were first actually paid, and that such rock salt, salt rock, or refined salt is really exported, or shipped to be exported, to parts beyond the seas, and not intended to be re-landed in *England, Wales, or Berwick*; for which debenture no fee or reward shall be taken: and in case the officer, hereby directed to pay such debenture, shall not have sufficient money in his hands to pay the same, then upon certificate thereof by him made (which certificate he is hereby required to give the party *gratis*, and without delay) the principal commissioners for managing the revenue of excise of his Majesty, his heirs and successors, for the time being, shall be chargeable with the said payment, to be made out of the first money in their hands arising out of the duties upon salt, and any officer neglecting or refusing to pay the said money, or to give such certificate as he is hereby directed, shall forfeit double the sums so to be paid, to the party grieved, to be recovered by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

VIII. And be it enacted by the authority aforesaid, That the duties upon rock salt and salt rock, which shall be charged in pursuance to this act, shall be raised, levied, and recovered, by such ways and means, and in such manner and form, in all cases (unless in such where other methods or directions are hereby prescribed) as the duties upon salt or rock salt, chargeable by the said former acts, or any of them, were thereby appointed to be raised, levied, and recovered: and that all fines, penalties, and forfeitures, by this act imposed, shall and may be sued for, levied, and recovered, in such manner and form, and with such power of mitigation, as any fine, forfeiture, or penalty, is or may be recovered, by any law or laws of excise, or by action of debt, bill, plaint, or information in any of his Majesty's courts of record at *Westminster*; and that one moiety of every such fine, forfeiture, or penalty, shall be to his Majesty, his heirs and successors, and the other moiety to him or them that shall inform or sue for the same; and that all the duties which shall be charged by virtue of this act, as aforesaid, shall be brought in, applied, issued, and disposed of, to the same uses and purposes, and in the same proportions, as the duties upon salt and rock salt, charged by the said former acts respectively, are appointed to be brought in, issued, and applied, and under

under the same penalties for delaying, diverting, or misapplying any part of the monies arising for the said duties to be charged by this act, as in and by the said former acts, or any of them, in the like case and cases are prescribed; any thing in this or the said former acts contained to the contrary thereof in any wise notwithstanding.

IX. And for the greater equality, in determining differences touching the duties upon all salt whatsoever, and the penalties and forfeitures concerning the same; be it further enacted by the authority aforesaid, That from and after the fifteenth day of *May*, in the year of our Lord one thousand six hundred ninety nine, if any person or persons shall find him, her, or themselves aggrieved by any order or judgment of any two justices of the peace, relating to the duties upon salt, or to any forfeiture or offence concerning the same, that then it shall and may be lawful to and for such person or persons to appeal to the justices at the next quarter sessions of the peace to be holden for that county, liberty, riding, division, or place, where the said order or judgment shall be made or given, and the said justices at such quarter sessions are hereby impowered and authorized to hear and determine the same, whose judgment therein shall be final; any thing in this or any former act or acts to the contrary notwithstanding.

Persons ag-
grieved may
appeal.

X. And be it enacted by the authority aforesaid, That from and after the said fifteenth day of *May*, in the year of our Lord one thousand six hundred ninety and nine, all rock salt, and salt rock, and white salt whatsoever, that shall be shipped or taken on board any ship, boat, or vessel whatsoever, to be delivered as a commodity, either to be exported to *Ireland*, or any other place beyond the seas, or to be unladen in any port, creek, haven, or other place, on the coasts of *England*, or elsewhere, shall be weighed at the place or creek where the said salt is to be taken on board, by such officer or officers, as the commissioners of the excise, or the major part of them for the time being, shall from time to time direct and appoint; and that no such salt shall be carried on board any ship, boat, or vessel whatsoever, till the same shall be so weighed or tendred to be weighed, and a permit or certificate, containing the quantity of such salt so weighed or tendred to be weighed, as aforesaid, be first had and obtained, under the penalty of forfeiting the said salt, not so weighed or tendred to be weighed, and over and above ten shillings *per* bushel, for the same, and after that rate for a greater or lesser quantity, to his Majesty, his heirs and successors, so carried on board any ship, boat, or vessel, contrary to the true intent and meaning hereof; which said permit or certificate such officer shall give to the party requiring the same *gratis*, on the penalty of five pounds to the party aggrieved.

All salt what-
soever to be
weighed at the
place where
shipped,

and not put on
board till
weighed, and
permit obtain-
ed.
Penalty.

Officer to give
permit gratis.

XI. Provided always, That if the said officer or officers shall refuse to weigh such salt so to be taken on board, as aforesaid, or shall not attend to weigh the same at such place where the same

Officer re-
fusing to weigh
such salt,

Owner may ship the same. same is to be taken on board, as aforesaid, or, after the weighing the same, shall refuse to give such permit or certificate, that then, and in every such case, it shall and may be lawful to and for the owner or possessor of the salt, to carry the said salt on board any ship, boat, or vessel, without incurring any penalty for so doing; any thing herein contained to the contrary hereof in any wise notwithstanding.

If salt on un-lading be found more in weight than contained in permit, XII. And be it likewise enacted by the authority aforesaid, That it shall and may be lawful to and for the officer and officers, so to be appointed as aforesaid, at every unlading port or creek of such ship, boat, or vessel, to go on board the same before the delivery thereof, and to demand a sight of such permit or certificate, so to be given as aforesaid, and to weigh the said salt upon the unlading the same; and if the salt, on the weighing of the same, shall be found to be more in weight than what is contained in the said permit or certificate, that then the surplusage that shall exceed the quantity contained in the said permit or certificate shall be forfeited, the one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof to the person that shall inform or sue for the same: and if the master of such ship, boat, or vessel, shall refuse to shew unto such officer the said permit or certificate, upon due request made, to the end he may see whether the salt so unladen be the same quantity with that contained in the permit or certificate, that then and in such case it shall be lawful for the said officer to seize the said salt, and detain the same, until the said permit or certificate be produced.

Surplusage forfeited.

Master refusing to shew permit.

Officer may seize the salt.

If not shewn in 4 days, salt forfeited.

8 & 9 W. 3, c. 28.

XIII. Provided always, That if the said permit or certificate, having been given as aforesaid, be not shewn to such officer within four days after the seizure thereof, that then and in such case the salt so seized shall be forfeited.

XIV. And whereas by an act made and passed in the session of parliament held in the eighth and ninth years of his Majesty's reign, intituled, An act for the better observation of the course anciently used in the receipt of Exchequer, it is (amongst other things) enacted and declared, That from and after the twentieth day of April, one thousand six hundred ninety seven, no teller in the said receipt of Exchequer should charge himself by his bill with the receipt of any monies in the Exchequer, but at such times as the officers of the tally court, their deputies or substitutes, should be there present, to levy a tally or tallies for the same; nor should any teller, or other person employed by him, throw down, or cause to be thrown down into the said court, any bill or bills, owning or purporting the receiving any sum or sums of money from any lender of money, receiver, or any other person or persons whatsoever, upon which bill or bills a tally or tallies are to be levied, according to the course of the said receipt, unless such teller respectively, or his clerks, or persons employed by him, should have actually received, and have then in his office, the very money which should be specified in such bill or bills respectively (except as therein is excepted) under the penalties therein mentioned: be it enacted by the authority aforesaid, That it shall and may be lawful for the lord

lord high treasurer, or any three or more of the commissioners of his Majesty's treasury for the time being (if he or they shall think fit, and it be found safe and expedient for his Majesty's service) to permit and direct the tellers of the said receipt of Exchequer, or their clerks, from and after the first day of May, one thousand six hundred ninety nine, to receive from commissioners, receivers, collectors, or other persons making any payments to his Majesty, at the said receipt of his Exchequer, upon any account whatsoever, or for loans, bills under the seal of the governor and company of the bank of England, commonly called *Bank Bills*, as shall be tendred in payment for any aids, taxes, revenues or loans whatsoever, unto the end of the next session of parliament, and no longer; any thing in the said recited act, or in any other act or acts of parliament, or any custom or usage to the contrary in any wise notwithstanding: provided, That none of the said bank bills shall be so taken in the Exchequer, when the same are at any discount.

XV. *And whereas in and by one act made in the fifth year of the reign of his Majesty and the late Queen Mary of blessed memory, intituled, An act for granting to their Majesties certain rates, and duties upon salt, and upon beer, ale and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France, it is (amongst other things) enacted, That the sum of one hundred and forty thousand pounds shall be a yearly fund for answering the annuities therein mentioned: and whereas certain tickets were issued out to the proprietors of the said annuities, many of which tickets are since burnt, lost or otherwise destroyed, whereby the said proprietors are in danger of losing their money contained in such tickets: be it enacted by the authority aforesaid, That in all cases where it shall appear by affidavit, to be made before any of the barons of the Exchequer, that any ticket or tickets, for any payment or payments on the said annuities incurred or become due at or before the nine and twentieth day of September, one thousand six hundred ninety and eight, is or are burnt, destroyed, or otherwise lost, it shall and may be lawful for the officer or officers appointed to pay and discharge the said annuities, on producing a certificate from the said baron, of such affidavit made before him (which affidavit the barons, or any of them, is and are hereby authorized to take, and which certificate he or they are hereby required to grant without fee or reward) and on security given to the said officer, to his good liking, to indemnify him against all other persons whatsoever, for or concerning the monies contained or specified in such ticket or tickets, or which was due thereon, he the said officer shall and is hereby required to pay and discharge the said annuities, by the said tickets incurred and grown due as aforesaid, as if the said tickets had been produced, and shall be allowed such payments in his accounts; any thing in this, or any other act, contained to the contrary hereof in any wise notwithstanding.*

Tickets for payment of annuities, &c. that are burnt or lost,

on affidavit and certificate,

officer required to pay the said tickets, and be allowed them in his accounts.

CAP.

CAP. XXIII.

An act for the better apprehending, prosecuting and punishing of felons that commit burglary, house-breaking, or robbery in shops, warehouses, coach-houses or stables, or that steal horses.

WHEREAS the crimes of burglary and breaking open of houses in a felonious manner, and the crime of stealing goods privately out of shops and warehouses, commonly called Shoplifting, and the stealing of horses, are of late years much increased, to the great detriment and unspeakable loss of many of your Majesty's good subjects; occasioned for want of due prosecution and punishment of offenders therein, and for want of encouragement to such as shall vigorously endeavour the apprehending of such malefactors: for preventing whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons, that shall at any time or times, by night or in the day-time, from and after the twentieth day of *May*, which shall be in the year of our Lord one thousand six hundred ninety nine, in any shop, warehouse, coach-house or stable, privately and feloniously steal any goods, wares or merchandizes, being of the value of five shillings or more (although such shop, warehouse, coach-house or stable be not actually broke open by such offender or offenders, and although the owners of such goods, or any other person or persons, be or be not in such shop, warehouse, coach-house or stable, to be put in fear) or shall assist, hire or command any person or persons to commit such offence, being thereof convicted or attainted by verdict or confession, or being indicted thereof shall stand mute, or will not directly answer to the indictment, or shall peremptorily challenge above the number of three and twenty persons returned to be of the jury, shall by virtue of this act be absolutely debarred and excluded of and from the benefit of the clergy.

II. And be it enacted by the authority aforesaid, That from and after the said twentieth day of *May*, one thousand six hundred ninety nine, all and every person and persons, who shall apprehend and take any person guilty of any the felonies before mentioned; and prosecute him, her or them so apprehended and taken, until he, she or they be convicted of any the aforesaid felonies, such apprehenders and takers, for his, her or their reward, upon every such conviction, without any fee or reward to be paid for the same, shall have forthwith after every such conviction a certificate, which shall be under the hand or hands of the judge, justice or justices before whom every such conviction shall be had, certifying such conviction, and also within what parish or place the felony was committed, whereof any such person or persons was or were convicted as aforesaid, and also that such felon or felons was or were discovered and taken,

Person stealing goods in any shop, warehouse, &c. of 5 s. value or more,

or assisting therein,

excluded from benefit of clergy.

Prosecutor of felon to have a certificate.

In case of dispute, judge to appoint the certificate into shares.

or

or discovered, or taken, by the person or persons so discovering or apprehending any the said felon or felons; and in case any dispute shall happen to arise between any of the persons so discovering or apprehending any the said felon or felons so convicted as aforesaid, touching their right or title to the said certificate, that then the said judge, justice or justices, or the major part of them, so respectively making such certificate as aforesaid, shall in and by his or their certificate, direct and appoint the said certificate into so many shares, to be divided amongst the persons therein concerned, as to the said judge, justice or justices, or the major part of them shall seem just and reasonable, which certificate shall and may be once assigned over, and no more, and the original proprietor of such certificate; or the assignee of the same, whomsoever of them shall have the interest therein, by virtue thereof and of this present act, shall and may be discharged of and from all and all manner of parish and ward offices, within the parish or ward wherein such felony or felonies shall be committed, and such party or assignee is hereby declared to be discharged therefrom; which said certificate shall be inrolled by the clerk of the peace of the county in which the same shall be granted; for which inrollment the said clerk of the peace of the county or city, in which the same shall be granted, shall have for his fee the sum of one shilling, and no more.

Altered by 6 Geo. 1. c. 23. s. 8. By 5 Annæ, c. 31. s. 1. ap- prebenders of burglars and house-breakers have a farther reward of 40l.

Certificate may be once assigned. Assignee discharged from parish and ward offices.

Certificate to be inrolled.

Fee.

Proviso.

III. Provided nevertheless, That if any person having such certificate, shall at any time make use of the said certificate to exempt him from any parish or ward office, such person so making use of the said certificate, or any other person or persons claiming any interest therein, shall not assign over the said certificate to any person or persons whatsoever.

If persons be slain in pursuit of house-breakers, &c. executor to have the certificate without fee.

IV. And be it further enacted, That in case any person or persons shall happen to be slain by any such house-breakers, horse-stealers, or other felon aforesaid, by endeavouring to apprehend, or in making pursuit after him, her or them, or any of them, that then the executors or administrators of such person or persons so slain, to whom the right of administration of the personal estate of every person so slain shall belong, shall have the said certificate in manner as aforesaid, without fee or reward as aforesaid.

V. And be it further enacted, That if any person or persons, from and after the said twentieth day of May, in the said year of our Lord one thousand six hundred ninety and nine, shall commit any burglary, house-breaking, or felony in stealing of any horse or horses, or any money, wares or goods, from whom the benefit of the clergy is by this act taken away, and being out of prison, shall discover two or more person or persons, who already hath or hereafter shall commit any such burglary, horse-stealing or felony as aforesaid, and shall be convicted thereof, or cause to be discovered and apprehended two persons or more, who shall be convicted as aforesaid, every such discoverer shall have, and is hereby intitled to his Majesty's most gracious pardon for the burglaries, house-breakings, horse-stealings

to be a good
bar to appeal.

stealings or felonies as aforesaid; which he, she or they shall have committed at any time or times before such discovery made; which pardon shall be likewise a good bar to any appeal brought or to be brought for any such burglary, house-breaking, horse-stealing or felony.

Persons con-
victed of theft
or larceny, in-
stead of burn-
ing in the
hand, to be
burnt in the
left cheek in
open court.

Repealed by 5
Annæ, c. 6.
§ 1.

VI. *And forasmuch as many evil-disposed persons might be deterred from offending, should the punishment by law to be inflicted on such persons be made more visible; be it further enacted, That from and after the said twentieth day of May, one thousand six hundred ninety nine, all and every person and persons who shall be convicted of or for any theft or larceny, and shall have the benefit of the clergy allowed thereupon, or ought to be burnt in the hand for such offence, instead of being burnt in the hand, shall with the usual mark wherewith such offenders, according to the laws now in force, ought to be burnt in the hand, be burnt in the most visible part of the left cheek nearest the nose, which punishment shall be inflicted in open court; in the presence of the judge, who is hereby directed and required to see the same strictly and effectually executed; any former law or statute to the contrary thereof in any wise notwithstanding.*

Evidence to
pay no fee, &c.

VII. *And whereas the great fees that are often demanded and received by clerks of assize, of persons that appear as witnesses against felons, tend very much to the discouraging their conviction, to the great damage of his Majesty's good subjects: to remedy the same for the future be it enacted, That no clerk of assize, clerk of the peace, or other person whatsoever, shall demand, take or receive any fee or reward of any person whatsoever that shall be bound by any justice of the peace to appear to give evidence against any traitor or felon, for the discharge of any recognizance for such appearance, nor shall demand or receive more than two shillings for the drawing any bill of indictment against any such felon, upon the pain of forfeiting to the person aggrieved, for every such offence, the sum of five pounds, with full costs of suit.*

Fee for bill of
indictment.

Clerk of assize,
&c. drawing
defective bill,
to draw a new
one gratis.
Penalty.

VIII. *And whereas it often happens that clerks of assize, clerks of the crown, clerks of the peace, clerks of the indictments, or other proper officers, their clerks or deputies, do draw bills defective; be it enacted, That if any clerk of assize, clerk of the crown, clerk of the peace, clerk of the indictments, or other proper officer, or their clerks or deputies, shall draw any bill defective, they shall draw new bills without demanding any fee or reward whatsoever, or forfeit the sum of five pounds, with full costs of suit, and that all the forfeitures aforesaid shall be recovered by him, her or them that will sue for the same, by action of debt, bill, plaint or information, in any of his Majesty's courts of record, wherein no essain, protection or wager of law shall be allowed.*

C. A. P. XXIV.

An act for making Billingsgate a free market for sale of fish.

WHEREAS the publick wealth, honour, and safety of this kingdom, as well as the maintenance of trade, and support of navigation, as in many other respects, depend on the improvement and encouragement of the fishery, and Billingsgate having, time out of mind, been a free market for all manner of floating and salt fish, as also for all manner of lobsters and shell fish; nevertheless, divers abuses, evidently destructive to that trade, have been of late years practised, by raising new impositions and tolls, and by forestalling of the markets, and other methods used by the fishmongers; in not permitting the fisherwomen and others to buy the said fish of the said fishermen, to sell them again in London and elsewhere, by which means the fishermen are obliged to sell their fish to the said fishmongers at their own rates, to the great discouragement of the said fishermen: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the tenth day of May, which shall be in the year one thousand six hundred ninety nine, *Billingsgate* market, within the said city of London, shall be every day in the week (except Sundays) a free and open market for all sorts of fish whatsoever; and that it shall and may be lawful for any person or persons to buy or sell any sort of fish in the said market without any disturbance or molestation whatsoever.

Billingsgate a free market for fish.
Fish taken by foreigners not to be imported.
1 Geo. 1. stat.
2. c. 18. s. 1.

II. And for the better encouraging the said fishery, be it further enacted by the authority aforesaid, That no fisherman or other person or persons, selling any sort of sea fish in the said market, shall, from and after the said tenth day of May, one thousand six hundred ninety nine, pay to any person or persons any other toll or duty whatsoever, for coming with his boat or vessel, or landing, standing, being or selling, in or at the said market of *Billingsgate*, than is herein after mentioned, that is to say,

Fisherman, &c. to pay toll.

III. For every vessel with salt fish, for groundage, eight pence per day, and twenty pence per voyage for every such vessel, and no more, in full for all duties and demands, to be disposed of and distributed, as the lord mayor and court of aldermen shall yearly order and direct, according to the right of the respective persons intitled thereunto.

Vessel with salt fish 8 d. per day groundage. And 20 d. per voyage.

IV. For every lobster boat, for groundage per day two pence, and per voyage thirteen pence, and no more, in full for all duties and demands, to be disposed of and distributed, as aforesaid.

Lobster boat 2 d. per day groundage, and 13 d. per voyage.

V. For every vessel of fresh sea fish, for groundage per day two pence, and per voyage thirteen pence, and no more, in full

Vessel with fresh sea fish full

full for all duties and demands, to be disposed of and distributed, as aforesaid.

Dogger boat
or smack.

VI. For every dogger boat or smack with sea fish, for groundage *per* day two pence, and *per* voyage thirteen pence, and no more, in full for all duties and demands, to be disposed of and distributed as aforesaid.

Oyster vessel.

VII. For every oyster vessel or cock, for groundage *per* day two pence, for metage one halfpenny *per* bushel and no more, and *per* voyage thirteen pence and no more, in full for all duties and demands, to be disposed of and distributed as aforesaid.

Fish bought in
the said mar-
ket may be
sold in any o-
ther.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons whatsoever, who shall buy any fish in the said market, to sell the same again in any other market, place or places within the said city of London or elsewhere, by retail, except nevertheless, that none but fishmongers shall be permitted to sell in publick or fixed shops or houses, being sound and wholesom fish, without any let or disturbance from any person or persons whatsoever for so doing; any law or statute to the contrary thereof notwithstanding.

Exception.

Proviso.

IX. Provided nevertheless, That this act shall not extend to alter any law now in being, concerning fish caught by foreigners.

5 Eliz. c. 5.

X. And whereas in the fifth year of the reign of Queen Elizabeth, among other things it was enacted, That from and after the first day of May, then next coming, it should not be lawful to any person and persons, in any port, city, town, or market, or other place within this realm, to set price, make any restraint, or take or demand toll or tax of any sea fish to be brought into this realm, or any part thereof, being taken by any of her Majesty's subjects, in ships and other vessels of the same subjects, upon pain, to every person offending contrary to the meaning thereof, to forfeit the value of the fish so restrained, prized, tolled, or taken; any liberty, custom, grant, privilege, or other matter whatsoever to the contrary in any wise notwithstanding; yet contrary to the true meaning thereof, several tolls, samples, and other exactions, have been demanded and taken of sea fish; be it therefore enacted by the authority aforesaid, That from and after the said tenth day of May, any person or persons, taking or demanding any toll or sample, or any other imposition, or set price, of any sea fish whatsoever of English catching, shall forfeit the sum of ten pounds, the one moiety thereof to his Majesty, and the other moiety to such person as shall sue for the same.

Penalty on
person de-
manding toll
or sample of
sea fish.

XI. And whereas of late years, an evil practice hath been used by the fishmongers, in employing one or two persons at the most to buy up all or the greatest part of the fish which is brought to the said market at Billingsgate, and afterwards dividing the same amongst the fishmongers by lots, by reason whereof the fishmongers buy and sell at what rates they please; be it therefore enacted by the authority aforesaid,

said,

said, That no such practices shall be at any time hereafter used or allowed. Evil practice of fishmongers not allowed.

XII. And for the better preventing the same, or the like evil practices, for the time to come; be it further enacted, That no person or persons whatsoever shall at any time after the said tenth day of *May*, one thousand six hundred ninety nine, employ or be employed by any other person or persons, in buying in or at the said market of *Billinggate*, any quantity of fish, to be divided by lots or in shares amongst any fishmongers, or other persons, in order to be afterwards put to sale by retail or otherwise; nor shall any fishmonger, at any time after the said tenth day of *May*, ingross or buy, in the said market of *Billinggate*, any quantity of fish, but what shall be for his own sale or use, and not for or on the behalf of any other fishmonger to expose to sale, under pain of forfeiting for each such offence the sum of twenty pounds, one moiety thereof to the use of the poor of the parish where such offence shall be committed, and the other moiety to his or their own use who shall sue for the same; and that from and after the said tenth day of *May*, no fisherman, or other person or persons, shall bring on shore, or put to sale, any lobsters, that are not eight inches from the peak of the nose unto the end of the middle fin of the tail, under pain of forfeiting for every such lobster the sum of one shilling, the one moiety to the poor of the parish where the offence shall be committed, the other moiety to the prosecutor, to be recovered upon conviction before the chief magistrate of any city or town corporate, or before the next justice of peace where such offence shall be committed. Fish not to be bought up, to be divided by lots, and afterwards retailed. Penalty.

Size of lobsters for sale. Penalty.

XIII. And for the better encouragement of the fishery of this kingdom, be it further enacted by the authority aforesaid, That from and after the said tenth day of *May*, no fish (except stock fish and live eels) taken or caught by any foreigners, aliens to this kingdom (except protestant strangers inhabiting within this kingdom) shall be imported in any foreign ship, vessel, or bottom, not being wholly *English* property, and uttered, sold, or exposed to sale, in this kingdom, under the pain of the forfeiture of such ship, vessel, or bottom, with the tackle thereunto belonging, and of all such fish so imported and sold contrary to the true intent and meaning thereof, one moiety thereof to the use of the poor of the parish where the same shall be so found or seized, the other moiety to his or their own use who shall so seize the same. Fish to be imported in English shipping. Forfeiture. By 1 Geo. 1. stat. 2. c. 18. s. 10. Foreigners may import lobsters and turbot.

XIV. Provided nevertheless, That nothing in this act contained shall be construed to prohibit the importation of anchovies, sturgeon, botargo, or caviar, nor selling of mackarel before or after divine service on *Sundays*. Anchovies, sturgeon, &c. not prohibited.

XV. Provided always, That nothing in this act contained shall be construed to take away an ancient duty of cod and ling, payable to the Kings of this realm, for the service of their household, by such merchants as trade to *Westmaney* and *Iseland*, but that the same may be taken by his Majesty's officers, in such manner

manner as the same hath been lawfully used to be taken before the making of this act.

CAP. XXV.

An act to encourage the trade to Newfoundland.

WHEREAS the trade of and fishing at Newfoundland is a beneficial trade to this kingdom, not only in the employing great numbers of seamen and ships, and exporting and consuming great quantities of provisions and manufactures of this realm, whereby many tradesmen and poor artificers are kept at work, but also in bringing into this nation, by returns of the effects of the said fishery from other countries, great quantities of wine, oil, plate, iron, wool, and sundry other useful commodities, to the increase of his Majesty's revenue, and the encouragement of trade and navigation; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from henceforth it shall and may be lawful for all his Majesty's subjects residing within this his realm of England, or the dominions thereunto belonging, trading or that shall trade to Newfoundland, and the seas, rivers, lakes, creeks, harbours in or about Newfoundland, or any of the islands adjoining or adjacent thereunto, to have, use, and enjoy the free trade and traffick, and art of merchandize and fishery, to and from Newfoundland, and peaceably to have, use, and enjoy, the freedom of taking bait and fishing in any of the rivers, lakes, creeks, harbours, or roads, in or about Newfoundland, and the said seas, or any of the islands adjacent thereunto, and liberty to go on shore on any part of Newfoundland, or any of the said islands, for the curing, salting, drying, and husbanding of their fish, and for making of oil, and to cut down wood and trees there for building and making or repairing of stages, ship-rooms, trainfats, hurdles, ships, boats, and other necessities for themselves and their servants, seamen and fishermen, and all other things which may be useful or advantageous to their fishing trade, as fully and freely as at any time heretofore hath been used or enjoyed there by any of the subjects of his Majesty's royal predecessors, without any hindrance, interruption, denial, or disturbance of or from any person or persons whatsoever; and that no alien or stranger whatsoever (not residing within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed) shall at any time hereafter take any bait, or use any sort of trade or fishing whatsoever in Newfoundland, or in any of the said islands or places abovementioned.

II. And for the preserving the said harbours from all annoyances; be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March, one thousand seven hundred, now next coming, no ballast, prest stones, or any thing else hurtful to or annoying any of the harbours there, shall be thrown out of any ship or otherwise, by any person or persons

King's subjects to have free trade to Newfoundland.

No alien to bait or fish in Newfoundland.

No ballast, &c. to be thrown out of any ship into the harbours, but carried on shore.

persons whatsoever, to the prejudice of any of the said harbours, but that all such ballast and other things shall be carried on shore, and be laid where they may do no annoyance.

III. And be it further enacted by the authority aforesaid, That **No person to destroy any stage or cook room, &c.** no person or persons whatsoever shall (at his departure out of the said country, or at any other time) destroy, deface, or do any detriment to any such stage or cook room, or to the flakes, spikes, nails, or any other thing whatsoever thereto belonging, as he or they shall fall into at his or their coming into the said country, but that he or they shall (during his or their stay there) content him and themselves with such stage or stages only as are needful for him or them, and shall also (at his or their departure thence) leave all such his or their stage or stages, without doing or causing to be done any wilful damage to any of them; and that for the repairing of such stage or stages as he or they shall so take, during his or their abode there, the same shall be done with timber fetched out of the woods there, and not by the ruining, breaking down, demolishing, prejudicing, or any wise injuring the stage or stages of any other person or persons whatsoever.

IV. And be it further enacted by the authority aforesaid, That **Every fishing ship first entering harbour, shall be admiral during that fishing season, &c.** (according to the ancient custom there used) every such fishing ship from *England, Wales, or Berwick*, or such fishermen as shall, from and after the said twenty fifth day of *March*, first enter any harbour or creek in *Newfoundland*, in behalf of his ship, shall be admiral of the said harbour or creek during that fishing season, and for that time shall reserve to himself only so much beech or flakes, or both, as are needful for the number of such boats as he shall there use, with an overplus only for the use of one boat more than he needs, as a privilege for his first coming thither; and that the master of every of such second fishing ship, as shall enter any such harbour or creek, shall be vice admiral of such harbour or creek during that fishing season; and that the master of every such fishing ship next coming, as shall enter any such harbour or creek, shall be rear admiral of such harbour or creek during that fishing season, and that the master of every fishing ship there, shall content himself with such beech or flakes, as he shall have necessary use for, without keeping or detaining any more beech or flakes, to the prejudice of any such other ship or vessel as shall arrive there; and that such person or persons as are possessed of several places in several harbours or creeks there, shall make his or their election of such place as he or they shall choofe to abide in; and shall also, within eight and forty hours after any after-comer or after-comers into such place or places, shall demand such his or their resolution touching such his or their election (if the weather will so soon permit, or so soon after as the weather will permit) give or send his or their resolution to such after-comer or after-comers, touching such his or their election of such place as he or they shall so choofe to abide in for the fishing season, to the end that such after-comer or after-comers may likewise choofe his or their place or places of his

Second ship vice admiral.
Next ship rear admiral.
Person possessed of several places shall make his election which to abide in, and give his resolution to any after-comer in 48 hours after demand.

In case of difference, admirals to proportion the place.

or their abode there; and in case any difference shall arise touching the said matters, the admirals of the respective harbours where such differences shall arise, or any two of them, shall proportion the place to the several ships, in the several harbours they fish in, according to the number of boats which each of the said ships shall keep.

V. And whereas several inhabitants in Newfoundland, and other persons, have, since the year of our Lord one thousand six hundred eighty five, ingrossed and detained in their own hands, and for their own private benefit, several stages, cook-rooms, beeches, and other places in the said harbours and creeks (which before that time belonged to fishing ships, for taking of bait, and fishing and curing their fish) to the great prejudice of the fishing ships that arrive there in the fishing season, and sometimes to the overthrow of some of their voyages, and to the great discouragement of the traders there; be it further enacted by the authority aforesaid, That all and every such person and persons, as since the said year of our Lord one thousand six hundred eighty five, have or hath taken, seized or detained any such stage, cook-room, beech or other place for taking bait or fishing, or for the drying, curing or husbanding of fish, shall on or before the said twenty fifth day of March, relinquish, quit and leave, to the publick use of the fishing ships arriving there, all and every the said stages, cook-rooms, beeches and other places for taking bait and fishing, and for the drying, curing and husbanding of fish.

Persons who since 1685. have detained any stage, cook-room, &c. shall relinquish the same, to the publick use of fishing ships, &c.

VI. And for the preventing the ingrossing and detaining of all such stages, cook-rooms, beeches and other places, by any person or persons for the time to come; be it enacted by the authority aforesaid, That no fisherman or inhabitant of Newfoundland, or any other person or persons whatsoever, shall, at any time after the said twenty fifth day of March, seize, take up or possess any of the stages, cook-rooms, beeches or other places, which at any time since the said year of our Lord one thousand six hundred eighty five, did or at any time hereafter shall belong to any fishing ship or ships, for taking bait or fishing, or for drying, curing or husbanding of fish, before the arrival of the fishing ships out of England, Wales, and Berwick, and until all such ships shall be provided with stages, cook-rooms, beeches and other places for taking bait and fishing, and for drying, curing and husbanding of fish.

No fisherman or inhabitant of Newfoundland, to possess any stage, &c. until all fishing ships be provided, &c.

Proviso.

VII. Provided always, That all such persons as since the twenty fifth day of March, one thousand six hundred eighty five, have built, cut out or made, or at any time hereafter shall build, cut out or make, any houses, stages, cook-rooms, train-fats, or other conveniencies for fishing there, that did not belong to fishing ships since the said year one thousand six hundred eighty five, shall and may peaceably and quietly enjoy the same to his or their own use, without any disturbance of or from any person or persons whatsoever.

VIII. And be it further enacted by the authority aforesaid, That all and every person or persons whatsoever, that shall go over with their servants to Newfoundland, to keep boats on a fishing

fishing voyage, commonly called *By-boat keepers*, shall not pretend to or meddle with any house, stage, cook-room, train-fat, or other conveniency, that did belong to fishing ships since the year one thousand six hundred eighty five, or shall be cut out or made by ships, from and after the said twenty fifth day of *March*, one thousand seven hundred.

By-boat keepers not to meddle with house, stage, &c. belonging to any fishing ships.

IX. And be it further enacted by the authority aforesaid, That every master of a by-boat or by-boats shall carry with him at least two fresh men in six (*viz.*) one man that hath made no more than one voyage, and one man that hath never been at sea before; and that every inhabitant shall be obliged to employ two such fresh men, as the by-boat keepers are obliged for every boat kept by them; and further, that all masters of fishing ships shall carry with them, in their ships company, at least one such fresh man that never was at sea before, in every five men they carry; and that the master of each such by-boat, and each such fishing ship, shall make oath before the collector, or other principal officer of the customs of the port or ports from whence such ship intends to sail, that each ship and by-boat's company have such fresh men therein as this act directs; and that the said officer or officers is and are hereby impowered and required to administer the aforesaid oath to the said masters of ships and by-boats, and give a certificate thereof under his hand, without any fee, gratuity or reward for so doing.

And to carry a fresh man in 6.

Inhabitant obliged to employ a such fresh men.

Master of fishing ship to carry 1 fresh man in 5. And make oath thereof.

Certificate gratis.

X. And be it further enacted by the authority aforesaid, That every master or owner of any fishing ship going to *Newfoundland* (after the said twenty fifth day of *March*) shall have in his ship's company every fifth man a green-man (that is to say) not a seaman or having been ever at sea before.

Every fifth man a green-man.

XI. And be it further enacted by the authority aforesaid, That no person or persons whatsoever shall at any time, after the said twenty fifth day of *March*, obliterate, expunge, cut out, deface, or any wise alter or change the mark or marks of any boat or boats, train-fat or train-fats, belonging to any other person or persons, whereby to defraud or prejudice the right owner or owners thereof, nor convert to his or their own use any boat or boats, train-fat or train-fats, belonging to any other person or persons, without his or their consent or approbation, nor remove nor take away any such boat or train-fat from the place or places where they shall be left by the owner or owners thereof, except in case of necessity, and also upon giving notice thereof to the admiral of the harbour or place where such boat or train-fat shall be left by the owner or owners, to the end that the right owners thereof may know what is become of them.

Marks of boats or train-fats not to be obliterated, &c. without consent of owner.

XII. And be it enacted by the authority aforesaid, That no person or persons whatsoever shall, at any time after the said twenty fifth day of *March*, rind any of the trees there standing or growing upon any occasion whatsoever, nor shall by any ways or means whatsoever set on fire any of the woods of the said country, or do or cause to be done any damage, detriment or destruction to the same, for any use or uses whatsoever, except

Standing trees not to be rinded, nor woods fired.

cept

Necessary fuel
excepted, &c.

cept only for necessary fuel for the ships and inhabitants, and for the building and necessary repairs of houses, ships, boats and train-fats, and of the stages, cook-rooms, beeches and other places for taking bait and fishing, and for drying, curing and husbanding fish there; and also that no person or persons whatsoever shall, at any time after the said twenty fifth day of *March*, cast anchor, or do any other matter or thing, to the annoyance or hindring of the haling of sayns in the accustomed baiting places, or shoot his or their sayn or sayns within or upon the sayn or sayns of any other person or persons whatsoever; and also that no person or persons whatsoever shall, at any time after the said twenty fifth day of *March*, steal, purloin or take out of the net or nets of any other person or persons whatsoever, lying adrift, or drower, for bait by night, nor steal, purloin or take away any bait out of any fishing boat or boats, or any net or nets belonging to any other person or persons.

Sayns not to
be annoyed,

nor nets, balts,
&c. stolen.

XIII. And whereas several persons that have been guilty of thefts, robberies, murders and other felonies upon the land in Newfoundland, and the islands thereunto adjacent, have many times escaped unpunished, because the trial of such offenders hath hitherto been ordered and adjudged in no other court of justice, but before the lord high constable, and earl marshal of England: For reformation thereof, and for the more speedy and effectual punishment of such offences for the time to come, be it enacted by the authority aforesaid, That all robberies, murders and felonies, and all other capital crimes whatsoever, which, at any time or times after the said twenty fifth day of *March*, shall be done and committed in or upon the land in Newfoundland, or in any of the islands thereunto belonging, shall and may be enquired of tried, heard, determined and adjudged in any shire or county of this kingdom of England, by virtue of the King's commission or commissions of *oyer and terminer*, and gaol delivery, or any of them, according to the laws of this land used for the punishment of such robberies, murders, felonies, and other capital crimes done and committed within this realm.

Robberies, &c.
in Newfoundland
may be
tried in any
county in
England, by
commission of
oyer and terminer.

Admirals in
Newfound-
land to see the
rules, &c. in
this act exe-
cuted,

XIV. And be it further enacted by the authority aforesaid, That the admirals of and in every port and harbour in Newfoundland for the time being, be and are hereby authorized and required (in order to preserve peace and good government amongst the seamen and fishermen, as well in their respective harbours, as on the shore) to see the rules and orders in this present act contained, concerning the regulation of the fishery there, duly put in execution; and that each of the said admirals do yearly keep a journal of the number of all ships, boats, stages and train-fats, and of all the seamen belonging to and employed in each of their respective harbours, and shall also (at their return to England) deliver a true copy thereof, under their hands, to his Majesty's most honourable privy council,

keep a jour-
nal, &c. and
deliver a copy
thereof to the
privy council.

Admirals to
determine dif-
ferences be-
tween masters

XV. And be it further enacted by the authority aforesaid, That in case any difference or controversy shall arise in Newfoundland, or the islands thereunto adjoining, between the masters

masters of fishing ships and the inhabitants there, or any by-^{of fishing} boat keeper, for or concerning the right and property of fishing ^{ships and in-} rooms, stages, flakes, or any other building or conveniencey for ^{habitants.} fishing or curing of fish, in the several harbours or coves, the said differences, disputes and controversies, shall be judged and determined by the fishing admirals, in the several harbours and coves; and in case any of the said masters of fishing ships, by-^{Party aggrieved} boat keepers or inhabitants, shall think themselves aggrieved ^{ed may appeal.} by such judgment or determination, and shall appeal to the commanders of any of his Majesty's ships of war, appointed as convoys for Newfoundland, the said commander is hereby authorized and empowered to determine the same, pursuant to the regulation in this act.

XVI. And to the end that the inhabitants, fishermen, seamen, and all and every other person and persons residing or being at Newfoundland, or any the said islands, or other places, may with all devotion join in their solemn prayers and addresses to Almighty God, for the obtaining of his blessing upon their persons and endeavours; be it hereby enacted, That all and every the inhabitants of Newfoundland, or the said islands or places adjacent near thereto, shall strictly and decently observe every Lord's day, commonly called Sunday; and that none of the said inhabitants (who keep any tavern, alehouse, or other publick house for entertainment) shall entertain or sell, vend, utter or dispose of to any fisherman, seaman or other person whatsoever, upon any Lord's day or Sunday, any wine, beer, ale, cyder, strong waters or tobacco, or any other liquor or liquors whatsoever.

Inhabitants to observe the Lord's day, and not sell any liquors thereon.

XVII. And whereas by an act of parliament made in the eighth & 9 W. 3. and ninth years of his Majesty's reign, intituled, An act for granting to his Majesty a further subsidy of tunnage and poundage upon merchandizes imported, for the term of two years and three quarters, and an additional land tax for one year, for carrying on the war against France; and by another act made in the ninth and tenth years of his Majesty's reign, intituled, An act for granting to his Majesty a further subsidy of tunnage and poundage, towards the raising a yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and other uses therein mentioned, during his Majesty's life, an additional duty of twelve pence on every twenty shillings value of all goods and merchandizes imported (all manner of fish English taken excepted) is granted to his Majesty, his heirs and successors: and whereas some doubt hath arisen, whether oil, blubber, and fins, taken and imported by the company of merchants of London trading to Greenland, are not liable to the said duty: be it therefore enacted by the authority aforesaid, That all whale fins, oil, and blubber, taken and imported by the ships of the company of merchants of London trading to Greenland, were not nor are intended to be charged or made liable to the duty of twelve pence for every twenty shillings value of goods imported, charged in the aforesaid acts, but that the whale fins, oil, and blubber, taken and imported

9 & 10 W. 3. C. 23.

Geo. 2. C. 28. Whale fins, oil, and blubber, imported by Greenland merchants, not liable to the duty of

12 d. per lb.
charged in the
tunnage acts,
nor for whale
fins, &c.
taken in New-
foundland.

as aforesaid, and also all whale fins, oil, and blubber of *English* fishing, taken in the seas of *Newfoundland*, or any of the seas belonging to any of his Majesty's plantations or colonies, and imported into this kingdom by any of his Majesty's subjects in *English* shipping, were, and are hereby declared to be free of the said duties, as all fish of *English* taking; the aforesaid acts, or any thing therein contained to the contrary, in any wise notwithstanding.

CAP. XXVI.

An act for opening the ancient and making any new roynes and water-courses in and near Sedgemore in the county of Somerset, for rendering the said moor more healthful and profitable to the inhabitants.

Anno Regni GULIELMI III. undecimo.

AT the parliament begun at Westminster the four and twentieth day of August, Anno Dom. 1698. in the tenth year of the reign of our sovereign lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King defender of the faith, &c. and from thence continued by several prorogations and adjournments to the sixteenth day of November, 1699. being the second session of this present parliament.

CAP. I.

EXP.

An act for taking away the bounty money for exporting corn, from the ninth day of February, one thousand six hundred ninety nine, to the nine and twentieth day of September, one thousand seven hundred.

Anno Regni GULIELMI III. undecimo & duodecimo.

CAP. II.

An act for granting an aid to his Majesty, by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned. 2s. in the pound.

WHEREAS soon after your Majesty and your late royal consort of ever blessed memory were graciously pleased to accept the crown and royal dignity of this kingdom, and dominions thereunto belonging, many of your Majesty's subjects, contrary to their duty and allegiance, traiterously adhering to your Majesty's enemies, levied and maintained, within your realm of Ireland, a desperate and bloody war and rebellion against your Majesties; who by the blessing of God upon your Majesty's royal conduct and courage, and the assistance and very great expence of your Majesty's *English* subjects; were reduced unto

unto their due obedience to the crown of England: and whereas it is highly reasonable, that the estates of such rebels and traitors should be applied, in case of your Majesty's faithful subjects of this kingdom, to the use of the publick: we your Majesty's most dutiful and loyal subjects, the commons in parliament assembled, most humbly beseech your Majesty, that it may be enacted: and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That all and every the honours, manors, baronies, castles, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, privileges, and appurtenances thereunto belonging, or in any wise appertaining, rights of entry, rights of action, titles, conditions, uses, trusts, powers, and authorities, leases for life, lives, or years, pensions, annuities, rent-charges, and hereditaments, whether freehold, copyhold, or of what nature or kind soever they be, within the said realm of Ireland, whereof any person or persons, who stand convicted or attainted of the said high treason or rebellion, or other treason committed in foreign parts since the thirteenth day of *February*, one thousand six hundred eighty eight, or who shall be convicted or attainted of any such treason, as aforesaid, by or before the last day of *Trinity* term, which shall be in the year of our Lord one thousand seven hundred and one, or who stand convicted or attainted of high treason, by reason of being found by inquisition to have died or been slain in actual rebellion, since the said thirteenth day of *February*, one thousand six hundred eighty and eight, was or were seised or possessed, or interested in, or intituled unto, on the thirteenth day of *February*, one thousand six hundred eighty eight, or at any time since, in their own right, or to their own use, or whereof any other person or persons was or were seised or possessed, or interested in, to the use of or in trust for them, or any of them, on the said thirteenth day of *February*, or at any time since, or whereof the late King *James* the Second, or any in trust for him, or to his use, was seised or possessed, or interested in, at the time of his accession to the crown of *England*, and all judgments, statutes, recognizances, extents, mortgages, and securities for money, right of redemption of mortgages, or other securities, debts of record, and other debts, specialties, obligations, goods, and chattels, of what nature or kind soever, which any of the said persons so convicted or attainted, or to be convicted or attainted, were possessed of or interested in, in their own right, or any other in trust for them or any of them, stood possessed of, or interested in on the said thirteenth day of *February*, one thousand six hundred eighty eight, or at any time since, shall be, and are hereby vested and settled, and adjudged, declared, and taken to be in the actual and real possession and seisin of Sir *Cyril Wyche* knight, *Francis Annesley* esquire, *James Hamilton* esquire, *John Baggs* esquire, *John Trenchard* esquire, *John Lybam* esquire, *Han-*

All lands, tenements, &c. in Ireland, whereof any persons convicted or attainted of treason, &c.

since 13 Feb. 1688.

or who died in actual rebellion,

were seised or interested in,

or whereof the late K. James II. was seised, &c. and all judgments, securities, debts, &c. shall be vested in the trustees following, and their heirs, &c.

ry Langford esquire, *James Hooper* esquire, *John Cary* gentleman, *Sir Henry Sheares* knight, *Thomas Harrison* esquire, *William Fellows* esquire, and *Thomas Rawlins* esquire, (trustees nominated and appointed for putting in execution the powers and authorities herein after enacted relating to the said forfeited and other estates and interests in *Ireland*) and their heirs, executors, administrators, and assigns respectively, from the second day of *November*, one thousand six hundred ninety and nine, according to the several estates and interests, which the said persons convicted or attainted, or to be convicted or attainted, or any in trust for them, or any of them, or to their or any of their use or uses, had therein on the said thirteenth day of *February*, one thousand six hundred eighty eight, or at any time afterwards, or the said late King, or any in trust for him, had in any of the premises at the time of his accession to the crown of *England*, to the end the same may be bargained, sold, disposed of, and applied by the said trustees, and the survivors of them, to and for such uses, intents, and purposes, as are herein after expressed, mentioned, and declared; and where any of the person or persons aforesaid were seised of an estate tail only in the said honours, manors, baronies, castles, messuages, lands, tenements, hereditaments, or other the premises, either in possession, reversion, or remainder, the same are hereby enacted and declared to be vested in the said trustees and their heirs, in fee simple, to the end the same may be absolutely sold and disposed of, as aforesaid; any thing herein before contained to the contrary thereof in any wise notwithstanding.

that the same may be sold, &c. for the uses in this act.

Estates tail vested in the said trustees, &c. to be sold.

All grants, &c. since the said 13 Feb. 1688. under the great seal, &c. or by act of parliament in *Ireland*, of any of the said forfeited estates, or of the estate of the said late K. James II. declared null and void.

II. And for the avoiding all grants, alienations, and dispositions, at any time since the said thirteenth day of *February*, one thousand six hundred eighty eight, made or granted of the said forfeited or forfeitable estates or interests, or of any other the premises, or any part or parcel thereof, or of all or any the quit rents, crown rents, composition rents, or chiefries belonging to the crown of *Ireland*; be it enacted, That all and every grant, demise, surrender, release, custodiam, lease, confirmation, or other alienation, or disposition whatsoever, at any time since the said thirteenth day of *February*, one thousand six hundred eighty eight, made or granted, or mentioned to be made or granted under the great seal of *England* or *Ireland*, or seal of the Exchequer in *Ireland*, or by any act or acts of parliament in *Ireland*, or otherwise, of any of the said forfeited or forfeitable estates or interests, or of the estate of the said late King *James*, or any part thereof, or of any the quit rents, crown rents, composition rents, or chiefries, belonging to the crown of *Ireland*, shall be and are hereby declared to be null and void to all intents and purposes whatsoever.

But grantees not accountable for the profits of such lands, tenements, &c.

III. Provided nevertheless, That nothing herein contained shall be construed or taken to make any such grantees, their heirs, executors, administrators, or assigns, accountable for the rents, issues, and profits of any such honours, manors, baronies, castles, messuages, lands, tenements, rents, and hereditaments,

taments, by them, or any of them had, received, or taken, by or before the said second day of *November*, one thousand six hundred ninety and nine, but that they, and every of them, may have, retain, keep, and possess the same to their own uses, as well against your Majesty, your heirs and successors, as against the said trustees herein before named, and the survivors of them, and the heirs, executors, and administrators of such survivor, without any account to be rendered for the same.

IV. Provided always, and be it enacted by the authority a-fore said, That if any person or persons, having any estate, right, title, or interest, in or to any of the estates or interests, so as aforesaid vested in the said trustees, before and upon the said thirteenth day of *February*, one thousand six hundred eighty eight, or if the heirs, executors, administrators, or assigns of any such person or persons have or hath surrendered or released unto his Majesty and the late *Queen*, or unto his Majesty, such estate, right, title, or interest, and since accepted from his Majesty and the said late *Queen*, or from his Majesty, any new grant or demise thereof, every such person is hereby declared to be restored to the same estate, right, title, or interest, which he might or would have had in or to such premises, if no such surrender or release had been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

V. Provided also, That nothing herein before contained shall be construed to take away, impeach, or prejudice any estate, right, title, interest, claim or demand whatsoever, which any person or persons (who by virtue or in pursuance of any pretended authority, power, or jurisdiction of the council board in *Ireland*, or of any commission under the great seal of *Ireland* for that purpose, hath or have been adjudged to be comprized within, or to be intitled unto, the benefit of the articles of *Limerick* or *Galloway*) or the heirs, executors, administrators, or assigns of any such person or persons had, have, hath, or may claim in, to, or out of any part of the said forfeited or forfeitable premises; and for composing the minds of all your Majesty's subjects concerned therein, every such adjudication is hereby confirmed.

VI. Provided also, That nothing herein contained shall impeach or prejudice any property or interest of any person or persons in or to any goods or personal chattels whatsoever, who, in pursuance of any declaration of their Majesties, submitted to their Majesties authority, by the time therein prescribed, upon any assurance therein contained, to be secured in their goods, and all their chattels personal whatsoever, in case of such submission.

The rest of this act, relating to the trust, which is executed, is omitted.

Trustees to take the oaths 1 W. & M. II. c. 8. And appoint registers, &c. who are to take an oath, and not to purchase any part of the premises. Trustees may meet and act at such places in *Ireland* as they think fit, may send for persons, writings, &c. and administer oaths. All sheriffs, bailiffs, &c. are to obey their orders. Trustees may act and determine by examinations on oath, &c. inform themselves of the names of persons convicted

Persons having right or interest in any of the estates vested in the said trustees, or if their heirs, &c. have surrendered such estate, &c. and accepted a new grant thereof, such persons are restored, &c.

But not to prejudice any estate, right, &c. of persons comprized in the articles of *Limerick* or *Galloway*, &c.

nor any person's personal estate, who submitted, &c.

convicted or attainted, and of all real and personal estates, and by whom forfeited, and of all incumbrances, &c. Persons neglecting or refusing to appear before trustees, may be committed to the county gaol. Officers not obeying trustees precepts may be fined. Persons making discovery of debts due to convicted or attainted persons, and paying two thirds thereof, shall be discharged of the intire debt, but neglecting to make such discovery, shall forfeit double. Allowance for discovery. Forfeiture on neglect. Trustees may make compositions touching such debts. Persons who shall discover any real or personal estate concealed, shall have 5s. per pound out of such personal estates, and out of the real estates a like proportion, &c. Discoverers names shall be certified to the lords justices of Ireland. Goods, chattels, &c. sold by his Majesty's commission, shall be good. Persons not convicted or attainted before the last day of Trinity term, 1701. shall not be prosecuted for treason committed during the rebellion in Ireland. All persons, except the King, and those claiming under him, and except the forfeiting persons, &c. having any right, title, &c. in any the lands, tenements, &c. so vested in the trustees, shall by 10 August, 1700. enter their claims thereunto, or in default thereof, such right, title, &c. shall be void. Claimants shall answer their claims upon oath, and produce writings and witnesses. Persons concerned, residing in England, judges there may administer oath. If such claim be not allowed by the trustees, claimants shall be for ever barred. Claimants making good their claims, trustees to allow thereof. Trustees shall be a court of record, and their judgments final. Claims allowed may be certified by the trustees, and such certificate, &c. shall be allowed as evidence. No rights, &c. so allowed, shall ever after be called in question. All conveyances of lands in Ireland, since 29 May, 1686. by persons since convicted, &c. being private trusts, except settlements before marriage, declared fraudulent: and no claim to be allowed thereupon. Trustees shall before 25 March, 1701. sell the estates vested in them, &c. not claimed, and estates claimed as soon as the claims shall be determined, giving 14 days notice, &c. Any persons, &c. may purchase, &c.

Purchasers having inrolled their conveyances, adjudged to be actually seized of the premises,

to be put in possession by the sheriffs,

and hold the same clear of all quit rents, &c. due before date of conveyances, &c. Quit rents to be apportioned by 1 Anne, stat. 2. c. 21. s. 1.

XXV. And be it further enacted by the authority aforesaid, That all and every person and persons, bodies politick and corporate, and their heirs, successors, executors, administrators and assigns, making any such purchase, and having any such conveyance and assurance as aforesaid, and causing the same to be inrolled as aforesaid, within the space of six months next after the date thereof, shall be, and is hereby adjudged to be, in the actual seisin and possession of such parts or parcels of the premises as shall be so purchased and conveyed: and the said trustees, or any seven or more of them, are hereby authorized and impowered (if need be) to issue out their precept or precepts to the sheriffs, or other proper officer or officers, of and in the respective counties, thereby commanding them to cause possession to be delivered to such purchaser or purchasers, his, her or their heirs, successors, executors, administrators and assigns, or to whom they or any of them shall appoint; and all and every such purchaser or purchasers, his, her or their heirs, successors, executors, administrators or assigns, shall hold and enjoy the same for such estate and interest therein respectively, as shall be conveyed by the said trustees, or any seven or more of them, in such indenture of bargain and sale, freed and discharged of and from all arrears of quit rents, crown rents and chiefries, at any time accrued or to grow due before the date of such respective conveyances, and of and from all other claims and demands of his

his Majesty, his heirs and successors, and of the said trustees, their heirs, executors, administrators and assigns, and of all and every other person and persons whatsoever (other than and except such claims and demands which shall be allowed by the said trustees, or any seven or more of them, on the determination of such claims as aforesaid) and also freed and discharged of and from any breach of trust, which can or may be pretended to be committed by the said trustees, in not strictly pursuing the powers or directions given by this act: nevertheless the said forfeited estates shall after such sale or sales thereof be held of the King's majesty, his heirs and successors, as of his castle of *Dublin*, by free and common socage tenure, and shall be subject from the time of the date of such respective sale and conveyance, to such crown rents, quit rents, and chiefries issuing thereout respectively, as the same were respectively liable to and charged with on the said thirteenth day of *February*, one thousand six hundred eighty eight; all which quit rents, crown rents and chiefries, and all other the quit rents, crown rents, and chiefries belonging to the said crown of *Ireland*, on the said thirteenth day of *February*, one thousand six hundred eighty eight, shall for ever hereafter remain and be for the support and maintenance of the government of the said kingdom of *Ireland*, and shall be and are hereby enacted and declared to be unalienable; and all grants, charges and incumbrances since the said thirteenth day of *February*, made or at any time or times hereafter to be made of the same, or any part thereof, or wherewith or whereby to affect, charge or incumber the same, or any part thereof, with any annuity, pension, rent, debt, sum or sums of money, charge or incumbrance whatsoever, shall be and are hereby enacted and declared to be null and void to all intents and purposes whatsoever; nevertheless it is hereby declared and enacted, That if any person or persons, who shall have contracted for any such purchase, shall not within the time appointed pay the sum of money contracted for, every such buyer shall forfeit one fifth part of the consideration-money contracted for; and the said trustees, or any seven or more of them, may and shall proceed to a new sale of all and every such lands, tenements and hereditaments.

To be held of the King in socage, as of his castle of *Dublin*, &c.

Crown rents, &c. to be for the support of the government of *Ireland*, and shall be unalienable.

Incumbrances thereon, since 13 Feb. declared void.

Contractors not paying their money to forfeit a fifth part.

XXVI. Provided, That nothing in this act contained shall make void any grant of any quit rents, or other rents, made in consideration of any just debt or debts released to the crown, to the full value of such grant, or make void any grant for reduction or abatement of any quit rent, where such abatement hath been made in consideration of the barrenness or coarseness of any lands out of which such quit rents are issuing, or for their better habitation or improvement.

In what case grants or abatements of quit rents shall be valid.

Forfeited estates, subject to debts or incumbrances, &c. may be sold. Persons possessed of any lands, &c. vested in the trustees, shall give an account thereof. Penalty. How fines, &c. shall be sued for. No protection, &c. shall hinder prosecution. Trustees not accountable for any rents, &c. of the said estates. Purchasers of any forfeited estates since 13 February, 1688.

8 W. 3. c. 6.
8 W. 3. c. 7.
8 W. 3. c. 22.
9 W. 3. c. 38.
10 W. 3. c. 9.

1688. discharged of such part of the purchase-money unpaid. Allowance to such purchasers as shall prove payment of their money, &c. Trusts to certify the proportions, &c. No allowance to be made to purchaser who by perception of profits have been satisfied their purchase-money. Persons having received such purchase-money, liable to pay the surplus. Such as have entered on any forfeited estates, without grant thereof, shall answer the value of the profits, &c. or forfeit. But discovering the same shall be discharged, &c. The said estates not charged with arrears of rent &c. during the late war in Ireland. Defaulters not claiming their right &c. to the said forfeited estates, &c. rent, &c. to be paid into the Exchequer, or in default forfeited. In case of death surviving trustees to execute this act. Debentures, tallies, &c. shall be taken as sterling money in purchasing the said estates. Interest shall be allowed on the tallies, &c. debentures, &c. so taken in, shall be registred, and cancelled, and an account thereof transmitted to the Exchequer in England. Allowance of 1,500. per annum to each of the said trustees, payable quarterly. Officers, &c. who have taken grants of forfeited estates in lieu of arrears, &c. and released his Majesty, shall be intitled to such arrears, &c. as if not released. Trustees may convey church livings forfeited, to such trustees as the bishop of the diocese shall nominate, &c. Proviso for a grant of 1500 l. for repair of churches in Limerick. And for the grant of the earl of Romney, &c. And for the King's grant to colonel Richard Gorges, &c. Charles lord Bakimore being outlawed by mistake may reverse the same &c. Proviso for Edward Gohagan. Clause for selling the forfeited estate of William late earl of Limerick, &c. Lady Kenmare and her children, and the wife of Dudley Bagnal, not to be prejudiced; nor Anne wife of Christopher late lord Slane, of her jointure, &c. nor Sir Thomas Prendergast or Francis de la Rue esquire. Proviso for grants made to Dr. John Leslie John Baker, and James Roch, for eminent services, &c. and for saving the grant, &c. to Sir Christopher Wandesford from the natives of Idough &c. and the grant in trust for the children of Sir Charles Porter. Debts or monies owing to persons attainted, payable by James duke of Ormond &c. remitted. Proviso for the portions and maintenance of the daughters of Sir Valentine Brown, &c. Proviso for 6000 l. among the daughters of Calaghan earl of Clancarty, &c. Proviso for Dorothy baroness dowager of Upper Ossory, &c. Commissioners of this act shall be commissioners for the act on marriages, births, and burials, and for the duties on houses during the continuance of those acts.

No member of parliament shall after 24 June, 1700. be a commissioner or farmer of the excise, or a commissioner of appeals, or controller or auditor of the said duty.

CL. And be it enacted by the authority aforesaid, That no member of the house of commons in this present or any future parliament, during the time of his being a member of parliament, shall from and after the said four and twentieth day of June, one thousand seven hundred, be capable of being a commissioner or farmer of the duty of excise upon beer, ale and other liquors, or of being a commissioner for determining appeals concerning the said duty, or controlling or auditing the account of the said duty, or of holding or enjoying in his own name, or in the name of any other person in trust for him or for his wife and benefit, or of executing by himself or his deputy, any office, place or employment, touching or concerning the farming, collecting or managing the said duty of excise.

CLI. And be it further enacted, That if any member of the house of commons in this present or any future parliament, during the time of his being a member of parliament, shall at any time after the said four and twentieth day of June, by himself or his deputy, or any other in trust for him, or for his benefit, take, enjoy or execute any office, place or employment, touching or concerning the farming, managing or collecting the

the said duty of excise, or determining appeals concerning the said duty, or controlling or auditing the accounts of the same, such person is hereby declared and enacted to be absolutely incapable of sitting, voting or acting as a member of the house of commons in such parliament.

CLII. Provided always, and be it hereby declared, That nothing herein before contained shall extend; or be construed to extend (during the continuance of this parliament) to the disabling any person, at present a member of the house of commons, from being concerned in the managing, farming or collecting the said duties of excise, or in determining appeals concerning the same, or in controlling or auditing the accounts thereof, so as such person shall not after the said four and twentieth day of June, one thousand seven hundred, sit, vote or act in the said house; any thing herein before contained to the contrary notwithstanding.

CLIV. And be it further enacted by the authority aforesaid, That if any tenant of his Majesty is or shall be hereafter, by neglect or mistake, returned into his Majesty's court of Exchequer, for any rent which hath been actually paid, that then and in every such case, on producing the receipt for the said rent from the receiver, or other proper officer, the treasurer, remembrancer, clerk of the pipe, and other proper officers, are hereby authorized and required, without fee or reward, to discharge such tenant's name upon the several rolls where such rent is charged, so that the said rent, by neglect or mistake returned into the Exchequer as aforesaid, shall be no more given in charge to any sheriff whatsoever.

C A P. III.

An act for laying further duties upon wrought silks, muslins, and some other commodities of the East Indies, and for enlarging the time for purchasing certain reversionary annuities therein mentioned.

Most gracious Sovereign,

MAY it please your most excellent Majesty, we your Majesty's most dutiful and loyal subjects, the commons of England, in parliament assembled, as a further supply for your Majesty's occasions in this act mentioned, have cheerfully and unanimously given and granted, and do hereby give and grant to your Majesty the further rates, payments, duties, and sums of money herein after mentioned. And be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That for and upon all wrought silks, and for and upon all bengals and stuffs made of or mixed with silk or herba, of the manufacture of Persia, China or the East Indies, and for and upon all calicoes painted, dyed, printed or stained there, which from and after the five and twentieth day of March, one thousand seven hundred,

Such persons incapable of sitting in the house of commons.

But not to disable any present member till after 24 June.

King's tenants returned into the Exchequer for rent actually paid, shall be discharged on producing receipt.

All wrought silks, &c. on which a duty was granted by this act, were prohibited (after expiration thereof) by a subsequent act of this session, c.10. but the duty of 15l. per cent. on muslins is further continued until 1706. by 12 & 13 W. 3. c.11. Further duties laid on

wrought like, hundred, and before the thirtieth day of *September*, which shall be in the year of our Lord one thousand seven hundred and one. From 25 Mar. 1700. to 30 Sept. 1701. shall be imported or brought into the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, by any person or persons, or bodies politick or corporate whatsoever, there shall be yielded and paid to his Majesty (over and above all customs, subsidies, impositions and duties already due and payable for the same) a further duty after the rate of fifteen pounds for every one hundred pounds of the true and real value of the said goods, to be ascertained as is herein after mentioned; and for and upon all muslins which from and after the said five and twentieth day of *March*, one thousand seven hundred, and before the thirtieth day of *September*, one thousand seven hundred and one, shall be imported or brought into the kingdom, dominion or town aforesaid, there shall be yielded and paid to his Majesty (over and above all other duties now payable for the same) a further duty after the rate of fifteen pounds for every one hundred pounds of the true and real value of the said muslins, to be also ascertained as is herein after mentioned.

The like duty on muslins.

Goods to be entred at the custom-house where imported.

Importer to give security for payment of duty.

That 12 months enlarged to 3 years by 7 Geo. I. stat. 1. c. 21. l. 11.

How goods shall be valued.

Penalty on landing them before entry.

II. And for the better raising, levying and securing the said duties, after the rate of fifteen pounds in the hundred, it is hereby further enacted, That upon the importation of any such goods as aforesaid liable thereunto, an entry or entries thereof shall be made in the custom-house where such goods shall be imported, and before the landing thereof the importer or importers of the same shall give security by bond, with two or more sufficient sureties (which the commissioners or proper officers of the customs are hereby required or impowered to take) for payment of the said duties after the rate of fifteen pounds in the hundred upon the said goods, as soon as the same shall be sold, and for exposing the goods so imported to sale openly and fairly, by way of auction, or by inch of candle, within the city of *London*, within the time of twelve months after the importation thereof.

III. And it is hereby enacted and declared, That the value of the said goods, according to which the said rate is to be paid, shall be reckoned according to the gross price at which such goods shall be sold; and that in case any such goods shall be landed or put on shore out of any ship or vessel, before due entry be made thereof at the custom-house in the port or place where the same shall be imported, and the duties hereby imposed shall be secured as aforesaid, or without a warrant for the landing or delivering of the same first signed by the commissioners, collectors, or other proper officer or officers of the customs respectively, that all such imported goods as shall be so landed or put on shore, or taken out of any ship or vessel, contrary to the true meaning hereof, or the value of the same, shall be forfeited, and shall and may be recovered of the importer or proprietor thereof (to wit) two third parts of the same to the use of his Majesty, his heirs, and successors, and the other third part to the use of such person or persons as will seize the said goods, at

Tue for the same, or the value thereof, by action, bill, suit, or information, wherein no effoin, protection, or wager of law, shall be allowed.

IV. And it is hereby further enacted, That the said duties of fifteen pounds in the hundred shall be from time to time under the management and government of the commissioners of the customs for the time being, who shall cause the same to be raised, levied, collected, and paid to the hands of the receiver or receivers general of the revenue of the customs for the time being; and such receiver or receivers general for the time being shall answer and pay over all the monies arising thereby (the necessary charges of raising, collecting, and answering the same only excepted) into the receipt of his Majesty's Exchequer, for the purposes in this act mentioned.

Commissioners of the customs to manage these duties. Made perpetual by 7 Annæ, c. 7. and part of the aggregate fund. 3 Geo. 1. c. 8.

V. Provided always, and it is hereby enacted and declared by the authority aforesaid, That in case the goods or merchandizes upon which the said further duties of fifteen pounds in the hundred are paid, or secured to be paid, as aforesaid, be again exported at any time or times within twelve months after the importation thereof, and that due proof be first made upon oath, that the goods or merchandizes, so exported, be the same for which the said duties are paid, or secured to be paid, as aforesaid, then and in such case (and not otherwise) the same duties shall, without any delay or reward, be wholly repaid by the receiver general of his Majesty's customs for the time being, out of such monies as shall be in his hands of the said duties of fifteen per cent. arising by this act, unto the person or persons, bodies politick or corporate, making the said exportations, or the said security shall be vacated, as to so much of the said goods or merchandizes as shall be so exported; any thing in this act, or in any former act or acts of parliament, contained to the contrary notwithstanding.

These 12 months are enlarged to 3 years by 7 Geo. 1. stat. 1. c. 21. § 11.

VI. Provided also, and it is hereby enacted, That in case any of the said goods which shall have been entred, and for which security shall have been given, as aforesaid, shall, within the time hereby limited, be fairly sold by way of auction, as aforesaid, that then the importer paying down, in ready money, his Majesty's said duties of fifteen pounds per centum for such goods, within twenty days after such sale, shall have an allowance for such prompt payment after the rate of five pounds for every hundred pounds of the duties so paid.

Allowance on prompt payment.

VII. And for the more effectual raising the money which is necessary for the supply of your Majesty's occasions before mentioned, we your Majesty's said dutiful and loyal subjects do cheerfully and unanimously grant unto your Majesty a farther aid, to arise by contributions for annuities, to be purchased in such manner as is herein after expressed. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, having or not having any estate for one life, of and in any annuity purchased or obtained at the rate of one hundred pounds for every fourteen

Contributions for annuities.

Persons having or not having estates for life in annuities of 14 l. per cent. per ann.

6 & 7 W. 3. c. 5. *may for so l. change the same into a term certain for the residue of 96 years, &c.*

teen pounds *per annum*, upon the several acts of parliament mentioned in an act made and passed in the parliament which was holden at *Westminster*, in the sixth and seventh years of his Majesty's reign, intituled; *An act for enabling such persons as have estates for life in annuities, payable by several former acts therein mentioned, to purchase and obtain further and more certain interest in such annuities; and in default thereof, for admitting other persons to purchase and obtain the same, for raising money for carrying on a war against France*, at any time before the second day of *November*, one thousand seven hundred, to contribute, advance, and pay, into the receipt of his Majesty's Exchequer, so much money as every or any such annuity, being computed for five years doth or shall amount unto (that is to say) every such person having or being intituled to such estate for life, shall or may pay to his Majesty's use, for every one hundred pounds that was paid for the single life in any annuity of fourteen pounds *per annum* the sum of seventy pounds, for changing or converting the same into to a certain term for the residue which shall be then to come or ninety six years, to be reckoned from the five and twentieth day of *January*, one thousand six hundred ninety five, or for an interest in such annuity for the residue of the said term of ninety six years, to take effect after the said estate for life; and every person not having such estate for life, shall or may contribute or pay to his Majesty's use for every one hundred pounds that was paid for the single life in any such annuity of fourteen pounds *per annum*, the like sum of seventy pounds for an interest in such annuity for the residue of the said term of ninety six years, to be charged with and subject to the present estate for life of, and in the same annuities respectively, and in the same proportion there shall be paid a rate or consideration for higher or larger annuities; and that all and every the person or persons so paying the consideration money, as aforesaid, shall immediately, upon payment of their monies, be intituled by this act to such annuity or annuities so to be purchased, and the same shall be charged upon such respective fund or revenue in the said former act mentioned, as if the consideration money so to be contributed or advanced for the same, had been actually advanced or contributed within the respective times limited by the said former act.

Purchasers, on payment, intituled to such annuities, &c.

Powers, &c. in 6 & 7 W. 3. c. 5. revived.

VIII. And it is hereby further enacted, That all and every the directions, powers, and clauses in the said former act contained, for or concerning the levying of tallies, the making forth of orders, or for making transferences or assignments, or for the apportioning or applying the monies arising by the said funds or revenues, or any of them, or for appointing, settling, or establishing any other matter or thing for or in relation to the respective annuities thereby purchased or obtained, shall be and are by force and virtue of this act revived, and shall be duly observed, practised, and put in execution, for or in respect of such annuities as shall be purchased and obtained upon this act, as fully and effectually, as if the same powers, directions, and clauses were here again expressed and particularly repeated.

IX. And

IX. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for his Majesty, by any warrant under his royal sign manual, to be countersigned by any three or more of the commissioners of his Majesty's treasury, or the high treasurer for the time being, to give licence and power to doctor *Peter Allix*, or his assigns, to import and bring into the port of *London* any quantity of paper, called *great demy paper*, to be used in the printing of a history of the several councils to be set forth by the said doctor *Allix*, not exceeding in the whole five thousand reams, and that the quantity of paper, so licenced, shall and may be imported and passed, without payment of any custom, subsidy, or other duty for the same, upon the importation thereof; any law or statute to the contrary notwithstanding.

Dr. Allix may import 5000 ream of great demy paper,

Custom free.

X. And whereas several persons have purchased upon former acts several annuities, which were respectively to take effect after one life, then supposed to be in being, for the remainder of the said term of ninety and six years, and at the time of the purchase of such annuities, some of the nominees, upon whose lives such annuities depended, or were supposed to depend, or expect, were actually dead, but not known to be so; be it enacted by the authority aforesaid, That in case it shall appear to the lord high treasurer of *England*, or the commissioners of his Majesty's treasury for the time being, or any three or more of them, that any such reversionary annuity hath been so purchased, as aforesaid, and at the time of such respective purchase, the nominee or nominees, upon whose life or lives such reversion or reversions did depend or were supposed to depend, or expect, was or were actually dead, that then and in such case, the respective person or persons that have so purchased such reversion or reversions, and his, her, or their assigns thereof respectively, upon delivering up of the tallies and orders for such respective reversionary annuities to the officers of his Majesty's Exchequer, shall in lieu thereof receive from them, by warrant or order from the said lord high treasurer, or commissioners of the treasury for the time being, as aforesaid, who are hereby empowered to grant the same, one or more tallies or orders for the like reversion of the same yearly sum or annuity as is mentioned in such tallies or orders so to be delivered up, expectant and to commence upon the death of a nominee and nominees who shall be then actually living; any thing in this or any former act or acts of parliament contained to the contrary notwithstanding.

On death of nominee, purchaser of the reversionary annuity to have a new tally and order, &c.

XI. And whereas some of the said nominees, for whose lives some of the said annuities are or have been held, cannot be found or heard of, and the parties that are or were intitled to such annuities do not come or send to demand the said annuities, whereby it is become uncertain whether such nominees be living or dead, or were so at the time of the purchasing such reversions, whereby the titles of such purchasers of such reversions are become and will become disputable: for remedy whereof, be it enacted by the authority aforesaid, That in case

If annuity be not demanded in 2 years, nor certificate produced of the life of nominee,

such nominee, &c. shall be taken to be dead, and the purchaser of the reversion shall receive the same.

any of the said annuity or annuities (whereupon the reversion or reversions are or shall be purchased, as aforesaid) are or shall not be demanded at the Exchequer for the space of two years next after the same shall become payable; and in case certificates of the life or lives of any nominee or nominees, upon whose life or lives any annuities do depend, shall not be produced to the officers of his Majesty's Exchequer, or sufficient proof made thereof, according to the rules prescribed by the former acts, within two years next after the said annuities shall from time to time become payable, then and from thenceforth, from and after the expiration of the said two years, such nominee and nominees, of whose life or lives no such certificate shall be produced, or proof made, shall be taken to be dead, and the person or persons that hath or shall hereafter purchase such reversion or reversions of such annuity or annuities, expectant upon the death of such nominee or nominees; of whose life or lives no such certificate shall be produced, or proof made, shall receive the said respective annuity and annuities from time to time, until such certificate shall be produced, or proof made, and shall not be accountable for such part of the said annuity as he shall then have actually received for default of such certificate or proof; any thing in this or in any former act or acts of parliament contained to the contrary notwithstanding.

XII. *And whereas by an act of parliament made and passed in the fourth year of the reign of his present Majesty and the late Queen Mary intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds, towards carrying on the war against France, it is (amongst other things) enacted, That it shall and may be lawful for any contributor, his executors, administrators, or assigns, by any writing under hand and seal, or by his last will in writing, to assign or devise any one or more share or shares of the fund therein mentioned to any person or persons, and no such assignment to be revocable, so as an entry or memorandum thereof be made in the office of the auditor of the receipt within the space of two months after such assignment or death of the deviser, and upon producing such assignment or will, the party is to bring an affidavit of the execution thereof, to be filed, as is therein specified: and whereas in pursuance of an act of parliament made in the ninth year of his Majesty's reign, intituled, An act for enlarging the time for purchasing certain estates or interests in several annuities therein mentioned, several reversionary tallies have been struck, and orders thereupon drawn, for payment of reversionary annuities, in the name of Richard earl of Ranelagh of the kingdom of Ireland; and by him issued out to such uses as in and by the said act is directed, but some doubt arising whether the assignments made by the said earl, on the back of the said orders, be according to the form prescribed by the first recited act, whereby the several and respective assignees may not have such legal titles to the said tallies and orders, as by the said last recited act was intended they should,*

should, which may obstruct the sale or conveying away the same; and their receiving any annuity due or to grow due thereon; to the end therefore that all persons who now are or at any time hereafter shall or may be possessed of or interested in any of the said tallies and orders, may have and be invested in a good and lawful title to the same, be it enacted by the authority aforesaid, That all and every the said indorsed assignments now made or hereafter to be made by the said earl of *Ranelagh*, or other person or persons authorized to make the same, for conveying the said tallies and orders to such persons, and to such uses, as in the said recited act are specified, and all other assignments; whether indorsed or otherwise, made by virtue of and subsequent to such indorsed assignments, so as an entry or memorandum of such subsequent assignments be made in the said office of the receipt, before the nine and twentieth day of *September*, one thousand seven hundred, shall be and are hereby deemed and adjudged to be as good to all intents and purposes whatsoever in law, as if each and every of the said assignments had been executed in every particular, pursuant to the form and manner in the first above recited act more at large prescribed and enacted.

Indorsed assignments made on reversionary tallies by the earl of *Ranelagh*, &c. adjudged good.
Explained by 5 Geo. 1. c. 2. s. 8.

XIII. And whereas several tickets, commonly called *Malt Tickets*, which are unpaid, and several of the bills, commonly called *Exchequer Bills*, not discharged, are by casualty or mischance, burnt, lost, or otherwise destroyed, it is hereby further enacted, That in all cases, where it shall appear by affidavit to be made before any of the barons of the *Exchequer*, that any such ticket or tickets, or any such *Exchequer bills*, as aforesaid, before the third day of *April*, one thousand seven hundred, have been or are burnt, destroyed, or otherwise lost, it shall and may be lawful for the respective officers appointed to pay or discharge the said tickets or bills; upon the producing a certificate from the said baron, of such affidavit made before him (which affidavit the said barons or any of them is and are hereby authorized to take, and which certificate he or they are hereby required to grant, without fee or reward) and on security given to the said respective officers to their good liking, to indemnify them respectively against all other persons whatsoever, for or concerning the money contained or specified in such ticket or tickets, bill or bills, or which was due thereon, they the said officers respectively shall, and are hereby required to pay and discharge the said tickets or bills, as he or they should have paid or discharged the original tickets or bills, if the same had been produced, and shall be allowed such payment in their respective accounts; any thing in this or any other act contained to the contrary hereof in any wise notwithstanding.

Malt tickets or Exchequer bills burnt or lost, &c. shall be paid and discharged.

XIV. And whereas in and by an act made and passed in the eighth year of his Majesty's reign, intituled, An act for making good the deficiencies of the several funds therein mentioned, and for enlarging the capital stock of the bank of *England*; and for raising the publick credit, it was amongst other things enacted, That no assignment or transference, which from and after the tenth day of *June*, one thousand six hundred ninety seven, should be made of any the orders

8 W. 3. c. 29.

orders or tallies therein mentioned, or any the names contained therein, upon the selling, buying, or bargaining of the same, should be good, unless such assignment or transference be made and signed, or sealed, and be, within ten days after the signing thereof, entered or registered, and that oath be thereupon made concerning the premium, gratuity, or consideration in the manner and form prescribed by the said act, as by the said act, relation being thereunto had, may more fully appear: and whereas the provision so made concerning the sale of tallies and orders, was at the time of making thereof, and afterwards, of great service to the publick; but by reason such tallies and orders, as aforesaid, are now generally risen in their value and estimation, and the said provision is become needless, and in some respects inconvenient; be it therefore enacted by the authority aforesaid, That the clauses of the said act herein recited, for or concerning the making, entering, and registering such assignments, as aforesaid, and for making oath concerning the premium, gratuity, or consideration money, as aforesaid, are and shall be repealed and utterly void, and that all assignments made or to be made, of or upon any the said orders or tallies, shall be of such or the like force and effect, as the same would have been, if the said recited clauses concerning the same, had not been inserted in the said act; any thing in the said act contained to the contrary notwithstanding.

Part thereof
repealed.

English bone-
lace, &c. may
be exported
into America
or Scotland,
&c.

Custom free.

XV. And whereas great numbers of the poor of this kingdom are employed in the manufacture of bone-lace: for the encouragement thereof, be it enacted by the authority aforesaid; That from and after the first day of May, one thousand seven hundred, it shall and may be lawful, for all persons, natives and foreigners, to export to the *English* plantations in America, or to any other parts beyond the seas, or into Scotland, all sorts of *English* bone-lace, needle-work, point or cut-work, without paying any custom or duty for the same, oath being first made, that the same was made or manufactured within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed; any law or statute to the contrary in any wise notwithstanding.

Tallow candles imported,
on exportation again one
moiety of the
duties to be
repaid.

Clause of ap-
propriation.

XVI. And whereas tallow candles imported into this kingdom, are chargeable by several acts of parliament, with the subsidies of tunnage and poundage, and other impositions, be it enacted by the authority aforesaid, That from and after the tenth day of April, one thousand seven hundred, the one moiety and no more of all the said subsidies and impositions, payable only for such tallow candles as shall be exported, according to the rules and methods by the said acts appointed, shall be repaid, or discharged upon the security for the same; any law or statute to the contrary thereof in any wise notwithstanding.

XVII. And be it enacted by the authority aforesaid, That over and above the sum of twenty seven thousand pounds, by another act of this session of parliament, appointed to be paid for the uses therein mentioned, out of the money to be advanced by farmers or contractors for the duties of excise, and certain duties upon salt, upon a farm or contract (if any such shall be) for a term not exceeding three years, to commence from the
four

four and twentieth day of *June* next, there shall be and is hereby appropriated and applied out of such advance money a further sum not exceeding twenty five thousand pounds, as well for discharging one year's interest upon the four and twentieth day of *June*, one thousand six hundred ninety eight, upon the tickets commonly called the *Malt Tickets*, as also to go in aid of the arrears of the late duties upon malt, to make up the sixty fifth payment in course of the malt tickets; that is to say, to complement the sixty fifth sum of ten thousand pounds payable thereupon; and the proper officer and officers concerned in the payment of the said tickets, are hereby required to indorse the interest so paid upon every ticket, and to keep a fair account of such payments in a book for that purpose; and if any of the said tickets, or any of the Exchequer bills, shall be applied to the purchasing of any forfeited estates in *Ireland*, the same shall be first tried or proved with the counterparts thereof in the respective offices for the same in *England*, and be certified to be true bills or tickets by the proper officers there; and such further sum not exceeding twelve thousand pounds, as shall be necessary for the discharging the half-pay of disbanded officers, to the five and twentieth day of *December*, one thousand seven hundred, shall (over and above the sum of forty one thousand pounds already appropriated for the half-pay of such officers) be likewise furnished and supplied out of such advance money, to be paid by such farmers or contractors as aforesaid (if any such be) and all the rest and residue of the said monies to be advanced by such farmers or contractors as aforesaid (if any such be) is hereby appropriated, and shall be applied, to and for the making good of the several and respective funds, and to the several and respective uses and purposes, whereunto the several branches of the said excise and salt duties are appropriated or directed by any act or acts of parliament now in force, and in the same proportions, order and form, as the said duties themselves are hereby appropriated or applicable; any thing in this or any former act or acts of parliament contained to the contrary notwithstanding.

One year's interest on malt tickets, &c.

Half-pay to disbanded officers.

XVIII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful for the lord treasurer, or the commissioners of his Majesty's treasury for the time being, or any three or more of them, and they are hereby directed, to pay or cause to be paid out of the money appropriated to the use of the navy for this present year, one thousand seven hundred, the sum of twenty thousand pounds towards the discharging part of the debt due for sick and wounded seamen; any thing in this or any other act to the contrary notwithstanding.

so,000 l. towards the debt for sick and wounded seamen.

CAP. IV.

An act for the further preventing the growth of popery.

WHEREAS there has been of late a much greater resort into this kingdom than formerly of popish bishops, priests and jesuits, and they do very openly, and in insolent manner, affront the laws, and daily endeavour to pervert his Majesty's natural-born subjects,

which has been occasioned by neglect of the due execution of the laws already in force: for preventing the further growth of popery, and of such treasonable and execrable designs and conspiracies against his Majesty's person and government, and the established religion, as have lately, as well as frequently heretofore, been brought to light, and happily defeated by the wonderful providence of God; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same,

1001. reward
for taking po-
pish bishop,
priest or jesuit,
&c. convicted
of saying mass,
&c.

to be paid by
the sheriff, &c.

In case of dis-
pute about
sharing the re-
ward, judge to
proportion the
same.

Penalty on
sheriff making
default of pay-
ment.

Sheriffs to be
repaid by the
treasury.

That from and after the five and twentieth day of *March*, one thousand and seven hundred, all and every person and persons, who shall apprehend and take one or more popish bishop, priest or jesuit, and prosecute him or them so apprehended and taken, until he or they be convicted of saying mass, or of exercising any other part of the office or function of a popish bishop or priest within these realms, shall have and receive from the sheriff or sheriffs of the county where such conviction shall be made (without paying any fee for the same) for every such offender so convicted, the sum of one hundred pounds within four months after such conviction, and demand thereof made, by tendering a certificate to the said sheriff or sheriffs, under the hand or hands of the judge or justices before whom such conviction shall be made, certifying the conviction of such popish bishop, priest or jesuit, and also that such popish bishop, priest or jesuit, popish bishops, priests or jesuits, was or were taken by the person or persons claiming the said reward: and in case any dispute shall happen to arise between the persons so apprehending any popish bishop, priest or jesuit, touching their right and title to the said reward, that then the said judge or justices so respectively certifying as aforesaid, shall in and by their said certificate direct and appoint the said reward to be paid unto and amongst the parties claiming the same, in such share and proportion as to the said judge or justices shall seem just and reasonable; and if it shall happen any such sheriff or sheriffs shall die, or be removed, before the expiration of four months after such conviction and demand made of the said reward (not being paid as aforesaid) that then the next succeeding sheriff or sheriffs of the said county shall pay the same, within two months after demand, and certificate brought as aforesaid; and if default of payment of the said sum or sums of money shall happen to be made by any sheriff or sheriffs, such sheriff or sheriffs, so making default, shall forfeit to the person or persons to whom such money is due as aforesaid, two hundred pounds, to be recovered by him or them, or his or their executors or administrators, in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint or information, wherein but one imparlance, and no essoin, protection or wager of law shall be allowed, with full costs of suit by him or them expended in the recovery of the same.

II. And it is hereby further enacted, That all sheriffs, their successors, executors or administrators, upon producing such respective certificates, or a duplicate or duplicates thereof, shall have

have the monies contained in such certificate paid to them by the lord treasurer, or commissioners of his Majesty's treasury for the time being, out of the revenue of the crown.

III. And for a further remedy against the growth of popery, over and beyond the good laws already made, be it further enacted by the authority aforesaid, That if any popish bishop, priest or jesuit whatsoever, shall say mass, or exercise any other part of the office or function of a popish bishop or priest within these realms, or the dominions thereunto belonging, or if any papist, or person making profession of the popish religion, shall keep school, or take upon themselves the education or government, or boarding of youth in any place within this realm, or the dominions thereto belonging, such person or persons being thereof lawfully convicted, that then every such person shall on such conviction be adjudged to perpetual imprisonment, in such place or places within this kingdom, as the King by advice of his privy council shall appoint.

Penalty on popish bishop, priest, &c. saying mass, &c.

or keeping school, &c.

IV. And be it also further enacted by the authority aforesaid, That from and after the nine and twentieth day of September, which shall be in the year of our Lord one thousand seven hundred, if any person educated in the popish religion, or professing the same, shall not within six months after he or she shall attain the age of eighteen years, take the oaths of allegiance and supremacy, and also subscribe the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late King Charles the Second, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*, to be by him or her made, repeated and subscribed in the courts of Chancery or King's Bench, or quarter sessions of the county where such person shall reside, every such person shall in respect of him or herself only, and not to or in respect of any of his or her heirs or posterity, be disabled and made incapable to inherit or take by descent, devise or limitation, in possession, reversion or remainder, any lands, tenements or hereditaments, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed: and that during the life of such person, or until he or she do take the said oaths, and make, repeat and subscribe the said declaration in manner as aforesaid, the next of his or her kindred, which shall be a protestant, shall have and enjoy the said lands, tenements and hereditaments, without being accountable for the profits by him or her received during such enjoyment thereof as aforesaid: but in case of any wilful waste committed on the said lands, tenements or hereditaments, by the person so having or enjoying the same, or any other by his or her licence or authority, the party disabled, his or her executors and administrators, shall and may recover treble damages for the same, against the person committing such waste, his or her executors or administrators, by action of debt in any of his Majesty's courts of record at Westminster; and that from and after the tenth day of April, which shall be in the year of our Lord

Papists not taking the oaths in 6 months after 18 years of age,

30Car.2. Stat.2.

Incapable to inherit any lands, &c. Next of kin, being a protestant, to enjoy the same,

and not accountable, &c. except for wilful waste. Explained by 3 Geo.1. c.18. s.4.

one

Papist, &c.
incapable to
purchase
lands, &c.

one thousand seven hundred, every papist, or person making profession of the popish religion, shall be disabled, and is hereby made incapable, to purchase, either in his or her own name, or in the name of any other person or persons, to his or her use, or in trust for him or her, any manors, lands, profits out of lands, tenements, rents, terms or hereditaments, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*; and that all and singular estates, terms, and any other interests or profits whatsoever out of lands, from and after the said tenth day of *April*, to be made, suffered or done, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, to or for the benefit or relief of any such person or persons, shall be utterly void and of none effect, to all intents, constructions and purposes whatsoever.

Act not to extend to popish priest saying mass, &c. in foreign minister's house, so as he be not King's natural born subject, &c.

V. Provided always, That nothing in this act contained shall be construed to extend to any popish priest for saying mass, or officiating as a priest, within the dwelling-house of any foreign minister residing here, so as such priest be not one of his Majesty's natural-born subjects, nor naturalized within any of his kingdoms or dominions, and so as the name of such priest, and the place of his birth, and the foreign minister to whom he shall belong, be entered and registered in the office of the principal secretary of state.

3 Jac. 1. c. 5.

VI. And whereas by an act made in the third year of King James the First, intituled, An act to prevent and avoid dangers which may grow by popish recusants, *whoever shall be convicted of sending, or causing to be sent, any child, or any other person under their government, into parts beyond the seas out of the King's obedience, to the intent that such child or person so sent should be educated in the romish religion, contrary to the said act, is to forfeit one hundred pounds, one half to the King's majesty, and the other half to him that shall sue for the same*: for the greater encouragement and reward of those

Person convicted of sending child, &c. beyond sea, to be educated in the Romish religion, to forfeit 100 l.

who shall discover such offenders, be it enacted by the authority aforesaid, That the said sum of one hundred pounds shall be to the sole use and benefit of him or her who shall discover and convict any person so offending, to be recovered in such manner as in the said recited act is enacted, any thing in the said act to the contrary notwithstanding.

Popish parent refusing to allow his protestant child, &c. sitting maintenance, on complaint thereof, lord chancellor, &c. to make order therein.

VII. And to the end that the protestant children of popish parents may not in the life-times of such their parents, for want of fitting maintenance, be necessitated, in compliance with their parents, to embrace the popish religion, contrary to their own inclinations; be it enacted by the authority aforesaid, That from and after the said five and twentieth day of *March*, one thousand seven hundred, if any such parent, in order to the compelling such his or her protestant child to change his or her religion, shall refuse to allow such child a fitting maintenance, suitable to the degree and ability of such parent, and to the age and education of such child, then upon complaint thereof made to the lord high chancellor of *England*, or lord keeper of the great seal,

or

or commissioners for the great seal for the time being, it shall be lawful for the said lord chancellor, lord keeper, or commissioners, to make such order therein as shall be agreeable to the intent of this act.

C A P. V.

An act for the repair of Dover harbour. From 1 May, 1700. to 1 May, 1709. Duty to be paid for all ships, &c. from 20 to 300 tons, for every loading and discharging in England, for, from, to, or by Dover, &c. towards repair of the harbour, 3d. per tun. Aliens the like. Coals to pay three halfpence per chaldron. Grindstones three halfpence per tun. Number of tuns to be made from entry of goods. No goods to be carried till oath made of ship's burthen, &c. Receivers of the monies to keep account thereof, and pay the same once a month to the cashier of the customs at London, &c. who is to pay the same to the treasurer of Dover harbour, to be expended in repair of the said harbour. No coaster or fisherman to pay but once a year. Warden, &c. to cause the repair of the harbour to be set upon, and give order therein, &c. Treasurer may convey the duties for five years, for 6000l. to be lent at 6l. per cent. Persons disbursing monies for repair of the harbour, to be accountable on oath. Account to remain in the navy office. If the harbour be sufficiently repaired within the time limited, collection to cease. Ships belonging to Weymouth, &c. exempted, as also Great Yarmouth, and Ramsgate.

C A P. VI.

An act to enable his Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.

WHEREAS divers persons, born within the King's dominions, are disabled to inherit and make their titles by descent from their ancestors, by reason that their fathers or mothers, or some other ancestor (by whom they are to derive their descent) was an alien, and not born within the King's dominions: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person or persons, being the the King's natural-born subject or subjects within any of the King's realms or dominions, shall and may hereafter lawfully inherit and be inheritable as heir or heirs to any honours, manors, lands, tenements or hereditaments, and make their pedigrees and titles by descent, from any of their ancestors lineal or collateral, although the father or mother, or fathers or mothers, or other ancestor of such person or persons, by, from, through, or under whom he, she, or they shall or may make or derive their title or pedigree, were or was, or is or are, or shall be born out of the King's allegiance, and out of his Majesty's realms and dominions, as freely, fully, and effectually, to all intents and purposes, as if such father or mother, or fathers or mothers, or other ancestor or ancestors, by, from, through, or under whom he, she, or they shall or may make or derive their title or pedigree, had been naturalized, or natural-born subjects, or subjects within the King's dominions; any law or custom to the contrary notwithstanding.

King's natural-born subjects shall inherit as heirs to any honours, manors, &c. though their parents were born out of the King's dominions, &c.

C A P.

CAP. VII.

An act for the more effectual suppression of piracy.

28 Hen. 8. c. 15.

Amended by

18 Geo. 2. c. 30.

WHEREAS by an act of parliament made in the twenty eighth year of the reign of King Henry the Eighth, it is enacted, That treasons, felonies, robberies, murders, and confederacies committed on the sea, shall be enquired of, tried, and determined according to the common course of the laws of this land used for such offences upon the land within this realm; whereas the trial of those offenders before the admiral, or his lieutenant; or his commissary, hath been altogether disused: and whereas, that since the making of the said act, and especially of late years, it hath been found by experience, that persons committing piracies, robberies, and felonies on the seas, in or near the East and West Indies, and in places very remote, cannot be brought to condign punishment without great trouble and charges in sending them into England to be tried within the realm, as the said statute directs, insomuch that many idle and profligate persons have been thereby encouraged to turn pirates, and betake themselves to that sort of wicked life, trusting that they shall not, or at least cannot easily, be questioned for such their piracies and robberies, by reason of the great trouble and expence that will necessarily fall upon such as shall attempt to apprehend and prosecute them for the same: and whereas the numbers of them are of late very much increased, and their insolencies so great, that unless some speedy remedy be provided to suppress them, by a strict and more easy way for putting the ancient laws in that behalf in execution, the trade and navigation into remote parts will very much suffer thereby; be it therefore declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all piracies, felonies, and robberies committed in or upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority, or jurisdiction, may be examined, inquired of, tried, heard, and determined, and adjudged, according to the directions of this act, in any place at sea, or upon the land, in any of his Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose by the King's commission or commissions under the great seal of England, or the seal of the admiralty of England, directed to all or any of the admirals, vice-admirals, rear-admirals, judges of vice-admiralties, or commanders of any of his Majesty's ships of war, and also to all or any such person or persons, officer or officers, by name, or for the time being, as his Majesty shall think fit to appoint; which said commissioners shall have full power jointly or severally, by warrant under the hand and seal of them, or any one of them, to commit to safe custody any person or persons, against whom information of piracy, robbery, or felony upon the sea, shall be given upon oath (which oath they or any one of them shall have full power, and are hereby required to administer) and to call and assemble a court of admiralty on ship-board, or upon the land, when and as often

How and where piracies, felonies, &c. committed on the sea may be tried.

By 4 Geo. 1.

c. 11. s. 7.

Offenders against this act may be tried as directed by

28 H. 8. c. 15.

Admiralty court to con-

often as occasion shall require ; which court shall consist of seven persons at the least.

II. And if so many of the persons aforesaid cannot conveniently be assembled, be it further enacted by the authority aforesaid, That any three of the aforesaid persons. (whereof the president or chief of some *English* factory, or the governor, lieutenant governor, or member of his Majesty's councils in any of the plantations or colonies aforesaid, or commander of one of his Majesty's ships, is always to be one) shall have full power and authority, by virtue of this act, to call and assemble any other persons on ship-board, or upon the land, to make up the number of seven.

III. Provided, That no persons but such as are known merchants, factors, or planters, or such as are captains, lieutenants, or warrant officers in any of his Majesty's ships of war, or captains, masters, or mates of some *English* ship, shall be capable of being so called, and sitting and voting in the said court.

Persons qualified to sit and vote, &c.

IV. And be it enacted by the authority aforesaid, That such persons, called and assembled as aforesaid, shall have full power and authority, according to the course of the admiralty, to issue warrants for bringing any persons accused of piracy or robbery, before them to be tried, heard, and adjudged ; and to summon witnesses, and to take informations and examinations of witnesses upon their oath ; and to do all things necessary for the hearing and final determination of any case of piracy, robbery, and felony ; and to give sentence and judgment of death, and to award execution of the offenders convicted and attainted as aforesaid, according to the civil law, and the methods and rules of the admiralty ; and that all and every person and persons so convicted and attainted of piracy or robbery, shall have and suffer such losses of lands, goods, and chattels, as if they had been attainted and convicted of any piracies, felonies, and robberies according to the aforementioned statute made in the reign of King *Henry* the Eighth.

Power of court so called in case of trial of pirate, &c.

V. Provided always, and be it further enacted by the authority aforesaid, That so soon as any court shall be assembled, as aforesaid, either on ship-board or upon the land, the King's commission shall first be openly read, and the said court then and there shall be solemnly and publickly called and proclaimed ; and then the president of the court shall, in the first place, publickly in open court take the following oath, *viz.*

King's commission to be first read.

President to take the following oath.

I A. B. do swear in the presence of Almighty God, That I will truly and impartially try and adjudge the prisoner or prisoners which shall be brought upon his or their trials before this court, and honestly and duly, on my part, put his Majesty's commission for the trying of them in execution, according to the best of my skill and knowledge ; and that I have no interest, directly or indirectly, in any ship or goods, for the piratically taking of which any person stands accused, and is now to be tried :

So help me God.

And then to administer the same to the other members.

How prisoners shall be brought before them and tried.

Prisoners pleading not guilty, witnesses shall be examined *viva voce*.

How sentence shall be executed.

Register of the court to be a public notary.

VI. And he having taken the oath in manner aforesaid, shall immediately administer the same oath to every person who shall sit, and have and give a voice in the said court upon the trial of such prisoner or prisoners, as aforesaid; and immediately thereafter upon the said prisoner or prisoners shall be formally brought before them; and then the register of the said court shall openly and distinctly read the articles against such prisoner or prisoners upon which they or any of them is or are to be tried; where shall be set forth the particular fact or facts of piracy, robbery, and felony, with the time and place when and where, and in what manner it was committed; and then each prisoner shall be asked, whether he be guilty of the said piracy and robbery, or felony, or not guilty? whereupon every such prisoner shall immediately plead thereunto, guilty, or not guilty, or else if that be taken as confessed, and he shall suffer such pains of death, loss of lands, goods, and chattels, and in like manner, as if he or they had been attainted or convicted upon the oath of witnesses, or his own confession; but if any prisoner shall plead not guilty, witnesses shall be produced by the register, and duly sworn and examined openly, *viva voce*, in the prisoner's presence; and after a witness hath answered all the questions proposed by the president of the court, and given his evidence, it shall and may be lawful for the prisoner to have the witness cross-examined, by first declaring to the court what questions he would have asked, and thereupon the president of the court shall interrogate the witness accordingly; and every prisoner shall have liberty to bring witnesses for his defence, who shall be sworn, and examined upon oath, as the witnesses were that testified against him; and afterwards the prisoner shall be fairly heard what he can say for himself; all which being done, the prisoner shall be taken away and kept in safe custody, and all other persons, except the register, shall withdraw from the said court, and then the court shall consider of the evidence which hath been given, and debate the matters and circumstances of the prisoner's case, and the president of the court shall collect all the votes of the persons who do sit and have voices in the said court, beginning at the junior first, and ending with himself; and according to the plurality of voices, sentence and judgment shall be then given and pronounced publicly in the presence of the prisoner or prisoners, being called in again; and according to such sentence and judgment the person or persons attainted shall be executed and put to death, at such time, in such manner, and in such place upon the sea, or within the ebbing or flowing thereof, as the president or the major part of the court, by warrant directed to a provost marshal (which the president or said major part shall have power to constitute) shall appoint.

VII. And be it further enacted by the authority aforesaid, That some person, being a publick notary, shall be register of the court; and in case of his absence, death, or incapacity, or for want of a person so qualified, the president of the court shall and may appoint a register, giving him an oath (which he is hereby

hereby impowered to administer) duly, faithfully, and impartially to execute his office; which register shall prepare all warrants and articles, and take care to provide all things requisite for any trial, according to the substantial and essential parts of proceedings in a court of admiralty, in the most summary way; and shall take minutes of the whole proceedings, and enter them duly in a book by him to be kept for that purpose; and shall from time to time, as opportunity offers, transmit the same, with the copies of all articles and judgments given in any such cases, in any court whereof he shall be register, unto the high court of admiralty of *England*.

VIII. And be it further enacted by the authority aforesaid, That if any of his Majesty's natural-born subjects, or denizens of this kingdom, shall commit any piracy or robbery, or any act of hostility, against others his Majesty's subjects upon the sea, under colour of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, such offender and offenders, and every of them, shall be deemed, adjudged, and taken to be pirates, felons, and robbers; and they and every of them being duly convicted thereof, according to this act, or the aforesaid statute of King *Henry* the Eighth, shall have and suffer such pains of death, loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to have and suffer.

IX. And be it further enacted, That if any commander or master of any ship, or any seaman or mariner, shall, in any place where the admiral hath jurisdiction, betray his trust, and turn pirate, enemy, or rebel, and piratically and feloniously run away with his or their ship or ships, or any barge, boat, ordnance, ammunition, goods, or merchandizes, or yield them up voluntarily to any pirate, or shall bring any seducing messages from any pirate, enemy, or rebel, or consult, combine, or confederate with, or attempt or endeavour to corrupt any commander, master, officer, or mariner to yield up or run away with any ship, goods, or merchandizes, or turn pirate, or go over to pirates, or if any person shall lay violent hands on his commander, whereby to hinder him from fighting in defence of his ship and goods committed to his trust, or that shall confine his master, or make, or endeavour to make a revolt in the ship, shall be adjudged, deemed, and taken to be a pirate, felon, and robber, and being convicted thereof, according to the directions of this act, shall have and suffer pains of death, loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to have and suffer.

X. And whereas several evil-disposed persons, in the plantations and elsewhere, have contributed very much towards the increase and encouragement of pirates, by setting them forth, and by aiding, abetting, receiving, and concealing them and their goods, and there being some defects in the laws for bringing such evil-disposed persons to condign punishment; be it enacted by the authority aforesaid, That all and every person and persons whatsoever, who, after the twenty

ing or assisting any pirate, &c. ninth day of *September*, in the year of our Lord one thousand seven hundred, shall either on the land, or upon the seas, knowingly or wittingly set forth any pirate, or aid and assist, or maintain, procure, command, counsel or advise any person or persons whatsoever, to do or commit any piracies or robberies upon the seas, and such person and persons shall thereupon do or commit any such piracy or robbery, then all and every such person or persons whatsoever, so as aforesaid setting forth any pirate or aiding, assisting, maintaining, procuring, commanding, counselling or advising the same, either on the land or upon the sea shall be and are hereby declared, and shall be deemed and adjudged to be accessory to such piracy and robbery done and committed; and further, That after any piracy or robbery is or shall be committed by any pirate or robber whatsoever, every person and persons, who knowing that such pirate or robber has done or committed such piracy and robbery, shall, on the land or upon the sea, receive, entertain or conceal any such pirate or robber, or receive or take into his custody any ship, vessel, goods or chattels, which have been by any such pirate or robber piratically and feloniously taken, shall be and are hereby likewise declared, deemed and adjudged to be accessory to such piracy and robbery; and that after the said nine and twentieth day of *September*, all such accessories to such piracies and robberies shall and may be enquired of, tried, heard, determined and adjudged after the common course of the laws of this land, according to the said statute made in the twenty eighth year of King *Henry* the Eighth, as the principals of such piracies and robberies may and ought to be, and no otherwise; and being thereupon attainted, shall suffer such pains of death, losses of lands, goods and chattels, and in like manner, as the principals of such piracies, robberies and felonies ought to suffer, according to the said statute of King *Henry* the Eighth, which is hereby declared to be and continue in full force; any thing in this present act contained to the contrary notwithstanding.

shall be adjudged accessories.

The like for concealing pirate, &c.

How accessories shall be tried.

Encouragement for commanders and mariners to defend their ships against pirates, &c.

XI. *And forasmuch as it will also conduce to the suppressing of robberies on the sea, if due encouragement be given, and rewards allowed, to such commanders, masters, and other officers, seamen, and mariners, as shall either bravely defend their own ships, or take, seize and destroy pirates, sea rovers, and enemies; be it further enacted* by the authority aforesaid, That when any *English* ship shall have been defended against any pirates, enemies, or sea rovers by fight, and brought to her designed port, in which fight any of the officers or seamen shall have been killed or wounded, it shall and may be lawful to and for the judge of his Majesty's high court of admiralty, or his surrogate in the port of *London*, or the mayor, bailiff, or chief officer in the several out-ports of this kingdom, upon the petition of the master or seamen of such ship, so defended as aforesaid, to call unto him four or more good and substantial merchants, and such as are no adventurers or owners of the ship or goods so defended, and have no manner of interest therein, and by advice with them to raise and levy upon the

the respective adventurers and owners of the ship and goods so defended, by process out of the said court, such sum or sums of money as himself and the said merchants, by plurality of voices, shall determine and judge reasonable, not exceeding two pounds *per centum* of the freight, and of the ship and goods so defended, according to the first costs of the goods; which sum or sums of money so raised, shall be distributed among the captain, master, officers, and seamen of the said ship, or widows and children of the slain, according to the direction of the judge of the said court, or his surrogate in the port of *London*, or the mayor, bailiff or chief officer in the several out-ports of this kingdom, with the approbation of the merchants aforesaid, who shall proportion the same, according to their best judgment, unto the ship's company as aforesaid, having special regard unto the widows and children of such as shall have been slain in that service, and such as have been wounded or maimed.

XII. And for the better and more effectual prevention of combinations and confederacies for the running away with or destroying of any ship, goods or merchandizes; be it further enacted by the authority aforesaid, That a reward of ten pounds for every ship or vessel of one hundred tuns or under, and fifteen pounds for every ship or vessel of a greater burthen, shall be paid by the captain, commander, or master of every ship or vessel, wherein any such combination or confederacy shall be set on foot, for the running away with or destroying any such ship, or the goods and merchandizes therein laden, to such person as shall first make a discovery thereof, upon due proof of such combination or confederacy; the same to be paid at the port where the wages of the seamen of the said ship are or ought to be paid, after such discovery and proof made.

Reward to discover of any combination for running away with ship, &c.

and how to be paid.

XIII. Provided also, That this act shall be in force for seven years, and to the end of the next session of parliament after the expiration of the said seven years, and no longer.

And to be in force for 7 years.

XIV. And for the more effectual prosecution and punishment of piracies, felonies and robberies upon the sea, and of all other offences aforesaid; be it declared and enacted by the authority aforesaid, That the commissioners appointed, or to be appointed by the aforementioned statute of King *Henry* the Eighth, or the commissioners for trial of pirates appointed by this act, shall, from and after the said nine and twentieth day of *September*, one thousand seven hundred, have the sole power and authority of trying, hearing, and determining the said crimes and offences, within all or any of the colonies and plantations in *America*, governed by proprietors, or under grants or charters from the crown, and of bringing the offenders to condign punishment; and shall and may issue forth their warrant or warrants for the seizing and apprehending of any pirates, felons, or robbers upon the sea, or their confederates or accessaries, being within any of the said colonies and plantations, in order to their being brought to trial within the same, or any other plantation in *America*, according to this act, or sent into *England* to be tried there;

Made perpetual by 6 Geo. 1. c. 19. and enforced by 8 Geo. 1. c. 24. Commissioners, &c. shall have power to try the aforesaid crimes in all the colonies, &c. in *America*.

Governors of the said colonies, &c. to assist commissioners, &c.

and deliver up pirates, &c.

Penalty on governor, &c. not yielding obedience to this act.

How commissions for trying of offences within the jurisdiction of the cinque ports shall be directed,

and inquisition made.

Seamen deserting merchant ships to lose their wages.

Penalty on master, &c. forcing seamen on shore, or refusing to bring him home.

4 Ann. c. 34.
1 Geo. 1. c. 25.
9 Geo. 1. c. 8.
6 Geo. 2. c. 19.

there; and that all and every governor and governors, persons and persons in authority in the said colonies and plantations governed by proprietors, or under charters as aforesaid, shall aid the commissioners and their subordinate officers in doing their duty; and also in the execution of such warrants and otherwise; and shall deliver up to such commissioner or commissioners, officer or officers, any pirates, felons and robbers upon the sea and their confederates and accessaries, in order to their being tried or sent into *England* as aforesaid; any letters patents, grants or charters of government, in and about the said plantations, and other usages heretofore had or made to the contrary notwithstanding.

XV. And be it hereby further declared and enacted, That any of the governors in the said plantations, or any person or persons in authority there, shall refuse to yield obedience to this act, such refusal is hereby declared to be a forfeiture of all and every the charters granted for the government or propriety of such plantation.

XVI. Provided always, and be it enacted by the authority aforesaid, That whensoever any commission for the trial and punishment of the offences aforesaid, or any of them, shall be directed or sent to any place within the jurisdiction of the cinque ports, that then every such commission shall be directed unto the lord warden of the cinque ports for the time being, or to his lieutenant, and unto such other persons as the lord high chancellor, or keeper of the great seal of *England* for the time being, or commissioners for the custody of the great seal, shall name and appoint; and likewise that every inquisition and trial, to be had by virtue of such commission so directed and sent to any place in the said cinque ports, shall be made and had by the inhabitants of the said cinque ports, or the members of the same; any thing in this act to the contrary thereof notwithstanding.

XVII. And for the prevention of seamen deserting of merchant ships abroad in parts beyond the seas, which is the chief occasion of their turning pirates, and of great detriment to trade and navigation in general; be it enacted by the authority aforesaid, That all such seamen, officers or sailors, who shall desert the ships or vessels wherein they are hired to serve for that voyage, shall for such offence forfeit all such wages as shall be then due to him or them.

XVIII. And be it further enacted by the authority aforesaid, That in case any master of a merchant ship or vessel shall, after the nine and twentieth day of *September*, one thousand and seven hundred, during his being abroad, force any man on shore, or wilfully leave him behind in any of his Majesty's plantations, or elsewhere, or shall refuse to bring home with him again all such of the men which he carried out with him, as are in a condition to return, when he shall be ready to proceed in his homeward-bound voyage, every such master shall, being thereof legally convicted, suffer three months imprisonment without bail or mainprize.

CAP,

CAP. VIII.

An act for the appointing commissioners to take, examine and determine the debts due to the army, navy, and for transport service, and also an account of the prizes taken during the late war. *Revised by Anna, ft. 2. c. 20. for two years.* EXP.

CAP. IX.

An act for preventing of frivolous and vexatious suits in the principality of Wales, and the counties palatine.

WHEREAS by a clause in an act made in the twenty second^{22 & 23 Car. 2.} and twenty third years of King Charles the Second, intituled, c. 9. f. 136.

An act for laying impositions and proceedings at law, it is enacted, That in all actions of trespass, assault and battery, and other personal actions, the plaintiff in such actions, in case the jury shall find the damages to be under the value of forty shillings, shall not recover or obtain more costs of suit than the damages so found shall amount unto; which clause having reference to an act made in the forty third year of Queen Elizabeth, for avoiding infinite numbers of small^{43 Eliz. c. 6.} and trifling suits commenced in the courts at Westminster, hath been understood to relate only to the said courts; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That as well the said clause, and all the powers and provisions thereby, or by any other law now in force, made for prevention of frivolous and vexatious suits in law commenced in the courts at Westminster, shall from and after the first day of May, which shall be in the year of our Lord one thousand seven hundred, be extended to, and be of the same force and efficacy in all such suits, to be commenced or prosecuted in the court of great sessions for the principality of Wales, the court of great sessions for the county palatine of Chester, the court of common pleas for the county palatine of Lancaster, and the court of pleas for the county palatine of Durham, as fully and as amply, as if the said courts had been mentioned therein. *to extend to the courts of great sessions for Wales, Chester, &c.*

II. And whereas the holding of persons inhabiting within the said principality of Wales, and counties palatine, to special bail in small actions, is oppressive and vexatious to the subject: for remedy whereof, be it further enacted by the authority aforesaid, That no sheriff or other officer within the said principality or counties palatine, upon any writ or process issuing out of any of his Majesty's courts of record at Westminster, shall hold any person to special bail, unless an affidavit be first made in writing, and filed in that court, out of which such writ or process is to issue, signifying the cause of action, and that the same is twenty pounds and upwards, and where the cause of action is twenty pounds, and upwards bail shall not be taken for more than the sum expressed, in such affidavit. *No sheriff, &c. in Wales, &c. shall hold persons to special bail. unless cause of action be 20l.*

CAP. X.

An act for the more effectual employing the poor, by encouraging the manufactures of this kingdom.

WHEREAS it is most evident, that the continuance of *trade to the East Indies, in the same manner and proportion as it hath been for two years last past, must inevitably be to the great detriment of this Kingdom, by exhausting the treasure thereof, and melting down the coin, and taking away the labour of the people, whereby very many of the manufacturers of this nation are become excessively burdensome and chargeable to their respective parishes, and others are thereby compelled to seek for employment in foreign parts for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September, one thousand seven hundred and one, all wrought silks, bengalls, and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, and all calicoes, painted, dyed, printed, or stained there, which are or shall be imported into this kingdom, shall not be worn, or otherwise used within this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, but under such limitations as are herein after mentioned and expressed.*

After 29 Sept. 1701. no wrought silks, &c. of Persia, China, or India, or calicoes, &c. shall be worn, &c.

Such goods imported after 29 Sept. 1701.

after entry thereof shall be put into warehouses,

and shall be exported again, and not landed in England, &c.
These securities when to be void, 8 Annæ, c. 13. §. 24.

II. And for the better effecting the same, be it enacted by the authority aforesaid, That from and after the said twenty ninth day of September, one thousand seven hundred and one, all such wrought silks, bengalls, and stuffs mixed with silk or herba, of the manufacture of Persia, China, or East India, as aforesaid, and all calicoes, painted, dyed, printed, or stained there, which are or shall be imported into this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall, after entry thereof, be forthwith carried and put into such warehouse or warehouses, as shall be for that purpose approved of by the commissioners of his Majesty's customs for the time being, so as none of them shall be taken or carried out thence upon any account whatsoever, other than in order for exportation, and not until sufficient security be first given to the King's majesty, his heirs and successors (which the said commissioners are hereby required and impowered to take) that the same and every part thereof shall be exported, and not landed again in any part of this kingdom of England, dominion of Wales, and town of Berwick upon Tweed; which said securities shall be discharged without any fee or reward, upon certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, or under the hands and seals of two known English merchants upon the place, that such goods were there landed, or upon proof by credible persons that such goods were taken by enemies, or perished in the seas; the examination and proof thereof being left to the judgment of the said commissioners; and all such of the aforesaid goods, whether the same shall be

be mixed, sewed, or made up together for sale, with any other goods or materials, or otherwise, which shall be found in any house, shop, or warehouse, or other place whatsoever (other than in such warehouses as shall be approved of by the said commissioners, as aforesaid) shall be forfeited, and subject and liable to be searched for, and seized, in like manner as prohibited and uncustomed goods are, by an act (intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*) made in the fourteenth year of the reign of our late sovereign lord King Charles the Second; and all such goods so forfeited, as aforesaid, shall, upon seizure thereof, be carried to the next custom house, and after condemnation shall be sold to the best advantage for exportation, at publick sale by candle; the buyer and buyers giving security for the exportation thereof, in manner as aforesaid; and one third part of the monies to be raised by such sale shall be paid to the King's majesty, his heirs and successors, and the other two third parts thereof to him, her, or them that shall seize or prosecute for the same; and over and above the loss of the said goods, the person or persons in whose custody, knowing thereof, the same shall be found or seized, or that shall sell or dispose thereof to any person or persons whatsoever, shall forfeit and lose the sum of two hundred pounds, one third part thereof to the King's majesty, his heirs and successors, and the other two third parts thereof to such person or persons that shall sue for the same, to be recovered by action of debt, bill, plaint, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law, shall be allowed, or any more than one imparlance.

Penalty.

14 Car. 2. c. 11.

Goods forfeited to be sold, &c.

III. And for preventing all clandestine importing or bringing into this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, any of the aforesaid goods hereby prohibited, or intended to be prohibited, from being worn or used in *England*; be it further enacted by the authority aforesaid, That if any person or persons, or bodies corporate, from and after the said twenty ninth day of *September*, one thousand seven hundred and one, shall import or bring into any port of or in this kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, other than the port of *London*, any of the aforesaid prohibited goods, or into the port of *London*, and shall not make due entries of such goods so imported, or brought in, the same shall be, and is hereby adjudged, deemed, accounted, and taken to be clandestine running thereof, and such person or persons, or bodies corporate so offending therein, and their abettors, shall not only forfeit and lose the said goods so clandestinely run, as aforesaid, but also the sum of five hundred pounds, to be recovered and divided in such manner as aforesaid.

Penalty on importing such goods, otherwise than into the port of London, and there making entry thereof.

IV. And be it further enacted, That if any question or doubt shall arise where the said goods were manufactured, the proof shall lie upon the owner or owners thereof, and not upon the

Proof where goods were manufactured to lie on the owner.

prosecutor ; any law, usage, or custom to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, suit, or information, shall be commenced, or prosecuted against any person or persons, for any seizure, or other thing to be made or done, in pursuance or in execution of any thing before in this act contained, such person or persons, so sued in any court whatsoever, may plead the general issue, and give this act and the special matter in evidence, for their excuse or justification ; and if the plaintiff or plaintiffs, or prosecutor or prosecutors, shall become nonsuit, or forbear prosecution, or suffer discontinuance, or if a verdict pass against him, her, or them, in any such action, bill, plaint, suit, or information, as aforesaid, the defendant or defendants shall have treble costs, for which they shall have the like remedy, as in any case where costs by law are given to the defendant.

Treble costs.

Warehouse-keepers to enter all goods brought in or carried out of their warehouses, &c.

VI. And for preventing clandestinely carrying out of the said warehouses any of the said goods hereby prohibited, and by this act intended for exportation, as aforesaid ; be it further enacted by the authority aforesaid, That the warehouse-keeper or warehouse-keepers shall keep one or more book or books, wherein he or they shall fairly enter or write down an exact, particular, and true account of all and every chest, bale, and number of pieces therein contained, of such of the aforesaid goods only, which shall be brought into, and carried out of, his or their said warehouse or warehouses, and the days and times when the same shall be so brought in and carried out ; and shall every six months in the year transmit in writing an exact account thereof, upon oath, to the said commissioners, together with an exact account how much shall be remaining in his or their said warehouse or warehouses respectively ; and the said commissioners are hereby impowered and enjoined, within one month after the same shall be transmitted to them, as aforesaid, to appoint one or more person or persons to inspect the said book or books, warehouse or warehouses, and examine the said accounts, and to lay a true account of the same before the parliament, within the first week of every sessions thereof ; and if upon examination it shall appear, that any of the aforesaid goods were carried out, unless for exportation, or before sufficient security given for their exportation, as aforesaid, that then the warehouse-keeper or warehouse-keepers, so offending therein, shall not only forfeit and lose the value of the said goods so carried out, as aforesaid, and be for ever disabled from any publick employment for the future, but shall also forfeit the sum of five hundred pounds for every such offence, to be recovered and divided in manner as aforesaid.

and give account every 6 months to commissioners of customs, &c.

Penalty.

Not to extend to apparel, &c. The benefit of this proviso applied by 10 Geo. 1. c. 11. to fur-

VII. Provided always, and it is hereby enacted, That this act shall not extend to any silks, bengals, stuffs mixed with silk or herba, or painted, dyed, printed, or stained calicoes manufactured in *Persia, China, or East-India*, which shall have been made up and used in any sort of apparel or furniture, before the said

said twenty ninth of *September*, one thousand seven hundred and one. *niturs made up before 25 Dec.*

VIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the proprietor or proprietors of the said goods so lodged in any warehouse or warehouses, as aforesaid, to affix one lock to every such warehouse or warehouses, the key of which shall remain in the custody of the said proprietor or proprietors; and that he or they may view, sort, or deliver the said goods, in order for exportation, as aforesaid, in the presence of the said warehouse-keeper or warehouse-keepers, who is and are hereby obliged, at seasonable times, to give attendance for that purpose. *1722. Proprietors of such goods may affix one lock to warehouse, &c.*

IX. Provided also, and be it enacted by the authority aforesaid, That every person or persons, or bodies corporate, who shall, on or before the said twenty ninth day of *September*, one thousand seven hundred and one, import into this kingdom, dominion of *Wales*, or town of *Berwick upon Tweed*, any of the commodities aforesaid, and shall, within the space of three years from such importation, export the same again, shall be allowed and paid the several duties payable upon the exportation thereof, as fully as if the same had been exported within twelve months after the importation thereof. *Goods imported before 29 Sept. and exported again 3 years after, duties on exportation to be allowed.*

X. And be it further enacted by the authority aforesaid, That from and after the said twenty ninth day of *September*, which shall be in the year of our Lord, one thousand seven hundred and one, there shall be no customs or duties whatsoever paid or secured to be paid for any of the said goods or commodities, which shall be imported at any time from and after the said twenty ninth day of *September*, one thousand seven hundred and one, other than and except the half subsidy, which is to remain by law after the goods are exported; but that all other customs and duties, now chargeable upon or payable for the said goods, shall from that time cease and determine. *After 29 Sept. no duties to be paid for such goods imported, except the half subsidy.*

C A P. XI.

An act to repeal an act made in the ninth year of his Majesty's reign, intituled, An act for rendring the laws more effectual for preventing the importation of foreign bone lace, loom lace, needle-work, point and cut-work, three months after the prohibition of the woollen manufactures in Flanders, shall be taken off.

WHEREAS great complaints are daily made of the decay of the woollen manufactures in this kingdom, to the impoverishment of many thousands of poor families: and whereas by experience it is found, that an act made in the ninth and tenth years of his now Majesty's reign, intituled, An act for rendring the laws more effectual, for preventing the importation of foreign bone lace, loom lace, needle-work, point and cut-work, has been one great cause thereof, by being the occasion that our woollen manufactures are prohibited to be imported into Flanders: for remedy therefore of the mischief aforesaid, be it enacted by the King's most excellent majesty, by and with the

9 & 10 W. 3.
c. 9.

Repealed.

the

the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That at the end of three months, to commence from the time of taking off the prohibition of the *English* woollen manufactures in *Flanders*, the said act, and every clause, matter, and thing therein contained, shall be and become hereby repealed, determined, and of no force.

C A P. XII.

An act to punish governors of plantations in this kingdom, for crimes by them committed in the plantations.

WHEREAS a due punishment is not provided for several crimes and offences committed out of this his Majesty's realm of England, whereof divers governors, lieutenant governors, deputy governors, or commanders in chief of plantations and colonies within his Majesty's dominions beyond the seas, have taken advantage, and have not been deterred from oppressing his Majesty's subjects within their respective governments and commands, nor from committing several other great crimes and offences, not deeming themselves punishable for the same here, nor accountable for such their crimes and offences to any person within their respective governments and commands: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That if any governor, lieutenant governor, deputy governor, or commander in chief of any plantation or colony within his Majesty's dominions beyond the seas, shall after the first day of *August*, one thousand seven hundred, be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective governments or commands, or shall be guilty of any other crime or offence, contrary to the laws of this realm, or in force within their respective governments or commands, such oppressions, crimes, and offences, shall be enquired of, heard and determined in his Majesty's court of *King's Bench*, here in *England*, or before such commissioners, and in such county of this realm, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county, and that such punishments shall be inflicted on such offenders, as are usually inflicted for offences of like nature committed here in *England*.

Oppression by governors, &c. of any colony, &c. beyond seas.

may be tried in England.

C A P. XIII.

An act for continuing several laws therein mentioned; and for explaining the act, intituled, An act to prevent the exportation of wool out of the kingdoms of Ireland and England, into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England.

WHEREAS divers temporary laws, which by experience have been found useful and beneficial, are expiring; therefore for continuing the same, be it enacted by the King's most excellent majesty,

majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the session of parliament held in the thirteenth and fourteenth years of the reign of King *Charles* the Second, intituled, *An act for providing carriages by land and by water, for the use of his Majesty's navy and ordnance*, which was thereby to have continuance, and be in force, until the end of the first session of the next parliament, and no longer; which said act, being expired, was, by one act made in the first year of the reign of the late King *James* the Second, revived, and was enacted to have continuance during the space of seven years, from the four and twentieth day of *June*, in the year of our Lord one thousand six hundred eighty five, and from thence to the end of the first session of parliament then next ensuing; which said act was, by an act made in the fourth and fifth years of the reign of his present Majesty, continued during the space of seven years, from the thirteenth day of *February*, one thousand six hundred ninety two, and from thence to the end of the first session of parliament then next ensuing, shall be and is hereby continued, and shall be in force for and during the space of seven years, from the nine and twentieth day of *September*, one thousand seven hundred, and from thence to the end of the next session of parliament.

13 & 14 Car. 2.

c. 20. for providing carriages, &c.

1 Jac. 2. c. 11. EXP.

4 & 5 W. & M. c. 24.

continued for 7 years.

II. And be it further enacted by the authority aforesaid, That an act made at the session of parliament holden in the two and twentieth and three and twentieth years of the reign of the said King *Charles* the Second, intituled, *An act to prevent the planting of tobacco in England, and for regulating the plantation trade*, which, by an act made in the first year of the reign of the late King *James* the Second, was enacted to have continuance from the first day of the then present session of parliament for seven years, and from thence to the end of the next session of parliament, which by an act made in the fourth and fifth years of the reign of his present Majesty and the late Queen was continued for the space of seven years, from the thirteenth day of *February*, one thousand six hundred ninety two, and from thence to the end of the next session of parliament, shall be and is hereby continued, and shall be in force for and during the space of seven years, from the nine and twentieth day of *September*, one thousand seven hundred, and from thence to the end of the next session of parliament.

22 & 23 Car. 2. c. 26. to prevent planting tobacco in England.

1 Jac. 2. c. 17. 4 & 5 W. & M. c. 24. continued for 7 years.

Perpetual 5 Geo. 1. c. 11.

III. And be it further enacted by the authority aforesaid, That an act made in the nineteenth year of the reign of King *Charles* the Second, intituled, *An act for assigning orders in the Exchequer, without revocation*, which act, in the first year of the reign of the late King *James* the Second, was enacted to be in force from the first day of the then present session of parliament, and to continue for seven years, and from thence to the end of the next session of parliament; which said act was, by an act made in the fourth and fifth years of the reign of his present Majesty and the late Queen, continued for seven

19 Car. 2. c. 12. for assigning orders in the Exchequer, &c.

1 Jac. 2. c. 17. 4 & 5 W. & M. c. 24. continued for 7 years. EXP.

years,

years, from the thirteenth day of *February*, one thousand six hundred ninety two, and from thence to the end of the next session of parliament, shall be and is hereby continued, and shall be in force for and during the space of seven years, from the nine and twentieth day of *September*, one thousand seven hundred, and from thence to the end of the next session of parliament.

22 & 23 Car. 2.
c. 23. to pre-
vent distur-
bance of sea-
men, &c.
1 Jac. 2. c. 17.
4 & 5 W. & M.
c. 24.

IV. *And whereas by an act made at the session of parliament holden in the said two and twentieth and three and twentieth years of the reign of the said King Charles the Second [intituled, An act to revive an act intituled, An act to prevent the disturbance of seamen and others, and to preserve the stores belonging to his Majesty's navy royal] with some alterations and additions, was, by an act made in the first year of the reign of the late King James the Second, enacted to be in force from the first day of the then present session of parliament, for seven years, and from thence to the end of the first session of the next parliament; which said last mentioned act was, by an act made in the fourth and fifth years of the reign of his present Majesty and the late Queen, continued for the space of seven years, from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament; be it enacted, That the same be continued and be in force for and during the space of seven years, from the nine and twentieth day of September, one thousand seven hundred, and from thence to the end of the next session of parliament.*

continued for
7 years.
E X P.

22 & 23. Car.
2. c. 19. to
prevent frauds
in buying and
selling of cat-
tle.
1 Jac. 2. c. 17.
E X P.

V. *And whereas an act was made at the said session of parliament, held in the two and twentieth and three and twentieth years of the reign of the said King Charles the Second, intituled, An act to prevent frauds in the buying and selling of cattle in Smithfield, and elsewhere, which was thereby to continue in force from the four and twentieth day of June, one thousand six hundred seventy one, and from thence to the end of the next session of parliament: and whereas the said act, being expired, was afterwards, by an act made in the first year of the reign of the late King James the Second, enacted to be in force from the twenty fourth day of June, one thousand six hundred eighty five, for seven years, and from thence to the end of the next session of parliament; nevertheless it was thereby provided, that neither the said act, nor any thing therein contained, should extend to salesmen or factors employed by farmers or feeders, which said act, together with the said proviso, was, by an act made in the fourth and fifth years of the reign of his present Majesty and the late Queen, continued for the space of seven years, from the thirteenth day of February, one thousand six hundred ninety two, and from thence unto the end of the next session of parliament; be it enacted by the authority afore-said, That the said act, together with the said proviso, shall continue and be in force for and during the space of seven years, from the nine and twentieth day of September, one thousand seven hundred, and from thence to the end of the next session of parliament. E X P.*

continued for
7 years.

VI. *And whereas an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, An act for the better*

better relief of the poor of this kingdom, was enacted to have continuance (except what related to the corporations therein mentioned, and thereby constituted) until the nine and twentieth day of May, one thousand six hundred sixty five, and from thence to the end of the first session of the next parliament; which said act, by an act made in the first year of the reign of the late King James the Second (except as to what related to the corporations therein mentioned, and thereby constituted) was enacted to be in force from the first day of May, one thousand six hundred eighty five, and so to continue for the space of seven years, and from thence to the end of the next session of parliament: and whereas by an act made in the third and fourth years of the reign of his present Majesty and the late Queen, the said last mentioned act (as to what therein related to the settlement of the poor) was enacted to be in force from the first day of March, one thousand six hundred ninety one; but no provision was thereby made for continuing of divers other parts of the said act; which said act, for the better relief of the poor of this kingdom, as to all parts thereof, not mentioned and continued in and by the said act, made in the third and fourth years of the reign of his present Majesty and the late Queen (other than and except what relates to the corporations mentioned in the said act for the better relief of the poor of this kingdom, and thereby constituted) was, by an act made in the fourth and fifth years of the reign of his present Majesty and the late Queen, continued for the space of seven years, from the thirteenth day of February, one thousand six hundred ninety two, and from thence to the end of the next session of parliament; be it enacted by the authority aforesaid, That the said act for the better relief of the poor of this kingdom, as to all parts thereof which were continued by the said act made in the fourth and fifth years of the reign of his present Majesty and the late Queen, shall be continued and be in force for and during the space of seven years, from the nine and twentieth day of September, one thousand seven hundred, and from thence to the end of the next session of parliament.

13 & 14 Car. 2.
c. 12. for better relief of the poor.

1 Jac. 2. c. 17.

3 & 4 W. & M. c. 11.

Exception.

4 & 5 W. & M. c. 24.

continued for 7 years.
Made perpetual
12 Ann. st. 1. c. 18.

VII. And be it enacted by the authority aforesaid, That an act made in the eighth and ninth years of his present Majesty's reign, intituled, *An act to restrain the number and practice of brokers and stock jobbers*, which was enacted to continue from the first day of May, one thousand six hundred ninety seven, for the space of three years, and from thence to the end of the next session of parliament, shall be continued and be in force for and during the space of seven years, from the nine and twentieth day of September, one thousand seven hundred, and from thence to the end of the next session of parliament.

8 & 9 W. 3. c. 32.
to restrain the number of brokers and stock jobbers,

continued for 7 years: EXP.

VIII. And whereas by an act made in the sixth and seventh years of his present Majesty's reign, intituled, *An act for granting to his Majesty certain duties upon glass wares, stone and earthen bottles, coals and culm, for carrying on the war against France, reciting, that the imposition upon coals exported to foreign parts was so great, that it was almost a prohibition, to the great diminution of his Majesty's customs, the lessening of the English navigation and the exportation of coals beyond the seas: for remedy whereof it was there-*

by

Duty on coals exported, continued for 7 years.

Enlarged as to the duty on coals exported in foreign bottoms, and further continued by 9 An. c. 6. s. 5.

Clause in 10 & 11 W. 3. c. 10. concerning wooll, wooll-fells, &c. exported from Ireland, &c.

not to extend to wooll-fells, &c. for gunners stores, &c. or for cloth, &c. for any one mariner's clothes, &c. not exceeding 40s.

This act made perpetual by 1 Geo. 1. c. 7. but the last clause is repealed by 5 Geo. 2. c. 21. s. 6.

by enacted, That all coals exported beyond the seas in foreign bottoms should, during the continuance of the said act, only pay ten shillings the chaldron, and in English bottoms only three shillings the chaldron which part of the said act will determine on or about the twenty second day of September, in the year of our Lord one thousand seven hundred, if timely care be not taken for continuing of the same, which has been found very beneficial and useful to the publick, and fully to have answered the good end and intent of the said act of parliament; and it therefore enacted by the authority aforesaid, That all coal exported beyond the seas in foreign bottoms shall, from and after the said nine and twentieth day of September, in the year of our Lord one thousand seven hundred, for and during the space of seven years, and from thence to the end of the next session of parliament, only pay ten shillings the chaldron, and in English bottoms only three shillings the chaldron; any law to the contrary notwithstanding.

IX. And whereas by an act made in the tenth and eleventh years of his Majesty's reign, intituled, An act to prevent the exportation of wooll out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England, it is enacted and declared, That no wooll, wooll-fells, shortlings, mortlings, wooll-flocks, worsted bays, or woollen yarn, cloth, serge, bays, kerseys, says, frizes, druggets, cloth serges, shalloons, or any other drapery stuffs, or woollen manufactures whatsoever, made up or mixed with wooll or wooll-flocks, shall be exported, transported, shipped off, carried, or conveyed out of or from the said kingdom of Ireland into any foreign realm, states, or dominions, or into any parts or place whatsoever, other than the parts within the kingdom of England, or the dominion of Wales, under several penalties and forfeitures in the said act mentioned: and whereas several disputes have arisen concerning the true intent and meaning thereof; be it therefore enacted and declared by the authority aforesaid, That neither the said act, nor any thing therein contained, shall be construed to extend to subject any person or persons, or any ship or vessel, to any of the pains, penalties, or forfeitures in the said act contained, for or touching such wooll-fells, shortlings, or mortlings, as shall be necessary for the use of the gunner or boatswain's stores for the ship or vessel only, and as for so much cloth, serge, bays, kerseys, says, frizes, druggets, cloth-serges, shalloons, or other draperies, stuffs, or other manufactures, as shall be for the proper use for clothes only of any mariner or passenger, for his or her wearing apparel or furniture on board such ship in the voyage, and shall not exceed in the whole, for any one mariner or passenger, the value of forty shillings; any thing in the said act to the contrary notwithstanding.

C. A. P. XIV.

E. X. P.

An act for raising the militia for the year one thousand seven hundred, although the month's pay formerly advanced be not repaid.

C. A. P.

CAP. XV.

An act for the ascertaining the measures for retailing ale and beer.

WHEREAS by the laws and statutes of this realm all inn-keepers, ale house-keepers, and victuallers, ought to utter and sell their ale and beer by the ale quart, according to the standard thereof, remaining in the custody of the chamberlains of his Majesty's Exchequer; the neglecting the observance whereof, and selling and retailing their ale and beer in uncertain measures, much less than the said standard, is found to be of evil consequence in hindring the consumption of malted corn, and lessening his Majesty's revenues of excise, and a great wrong and prejudice to wayfaring men, travellers, manufacturers, labourers and others, and also to such poor people whose necessities force them to buy ale and beer from them: for remedying whereof may it please your most gracious Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That from and after the four and twentieth day of June, one thousand seven hundred, all inn-keepers, alehouse-keepers, sutlers, victuallers, and other retailers of ale or beer, and every person and persons keeping any publick-house, and retailing and selling ale or beer in any city, town corporate, borough, market town, village, hamlet, parish, part, or place whatsoever, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, shall retail, utter, and sell their ale and beer, in and from their respective houses, by a full ale quart or ale pint, according to the said standard, or in proportion thereunto, in a vessel made of wood, earth, glass, horn, leather, pewter, or of some other good and wholesome metal, made, sized, and equalled unto the said standard, and signed, stamped, or marked to be of the content of the said ale quart or ale pint, according to the said standard, either from the said Exchequer, or from the city of London, or from some city, town corporate, borough, or market town, where a standard ale quart or ale pint, made from the said standard, shall be kept for that purpose, and shall not retail and utter any ale or beer to any person or persons in any other vessel not signed and marked as aforesaid, on pain to forfeit a sum not exceeding forty shillings, nor less than ten shillings, for every such offence, to be recovered as herein after is provided.

All retailers of ale and beer to sell the same by standard measure,

in vessels of wood, earth, &c. marked according to the standard.

II. And be it further enacted by the authority aforesaid, That if any inn-keeper, alehouse-keeper, victualler, sutler, or other retailer aforesaid, shall from and after the nine and twentieth day of September, one thousand seven hundred, retail, utter, or sell any ale or beer in any vessel not signed, stamped or marked as aforesaid, to any traveller, or other person or persons, or if in giving any account or reckoning in writing or otherwise, such inn-keeper, alehouse-keeper, or other retailer as aforesaid, shall refuse or deny to give in the particular number of quarts or

Penalty on retailer selling ale or beer in vessels not marked.

pints of ale or beer, for which demand is made in such account it shall not be lawful for any such inn-keeper, alehouse-keeper, other retailer as aforesaid, for default or payment of such reckoning, to detain any goods, or other thing or things belonging to the person or persons from whom such reckoning shall be due; but shall be left to his action at law for the same; any custom or usage to the contrary in any wise notwithstanding.

Collectors of the excise to provide ale quarts and ale pints of brass standard measure, for the mayor, &c. of each city, &c. in their division, where no such is already, &c.

Penalty on collector making default.

Collector to charge the said measures in his accounts, and be allowed the same.

III. And for the better execution of this act, and to the intent that vessels containing the said ale quart and ale pint respectively, may be from time to time sized and equalled according to the said standard, and signed, stamped and marked as aforesaid, by the mayor or other chief officer of each city, town corporate, borough, and market town in *England, Wales, and town of Berwick upon Tweed*, for all inn-keepers, alehouse-keepers, victuallers, and other retailers as aforesaid, procuring and desiring the same; be it further enacted by the authority aforesaid, That the sub-commissioners or collectors of his Majesty's revenues of excise, within their respective circuits or divisions, shall forthwith provide and procure a substantial ale quart and ale pint, according to the standard of the measures aforesaid remaining in the said Exchequer, of brass, to be made sealed and certified from the said chamberlains of the said Exchequer, without any fee or reward, for the mayor or chief officer in each city, town corporate, borough, and market town within his said division, in which there is not already a brass standard ale quart and ale pint, made and certified either from the said Exchequer, or from the lord mayor of the city of *London*, in the custody or power of such mayor or chief officer, and shall, on or before the said four and twentieth day of *January*, cause the same to be delivered unto the mayor or other chief officer in every city, town corporate, borough, and market town within his said division (which chief officer is hereby required to give a receipt for the same; and the said standard measures shall be delivered to every succeeding officer) in which there is not already such brass standard ale quart and ale pint as aforesaid, to be by them respectively safely kept for the purposes aforesaid; on pain that each sub-commissioner or collector, for every default herein, shall forfeit the sum of five pounds, to be recovered as aforesaid.

IV. And it is hereby further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the said sub-commissioners or collectors of excise respectively, to deduct and detain their respective reasonable charges and expences in the procuring, providing and delivering of such brass ale quarts and ale pints to each mayor or other chief officer within his said division as aforesaid, and to insert the same in his next account to be made or given to the commissioners of his Majesty's revenues of excise, who are hereby authorized and directed to allow of the same accordingly.

V. And be it further enacted by the authority aforesaid, That every mayor or chief officer of each city, town corporate, borough,

rough or market town for the time being, from and after the said four and twentieth day of *June*, shall from time to time, on request to him or them respectively made, cause or procure all such ale quarts and ale pints made of wood, earth, glass, horn, leather, pewter, or other good and wholesome metal, as shall be brought to him or them respectively, to be measured, compared, sized and equalled with such standard ale quart and ale pint in their custodies; and shall then cause the same, and every of them, to be plainly and apparently signed, stamped, and marked with W. R. and a crown, testifying that such ale quarts and ale pints respectively have been so measured, compared, sized, and equalled with such their standard, as aforesaid; which stamps or marks the said mayor or chief officer are hereby respectively required to provide, and for which their stamping or marking they shall not demand or receive above one farthing for each measure; and in case any such mayor, or other chief officer, as aforesaid, shall neglect or refuse to perform and execute his duty herein, according to the true intent and meaning of this act, he shall forfeit the sum of five pounds, to be recovered as aforesaid, and shall also render to the party thereby grieved his treble damages, together with costs of suit, to be sued for and recovered in any of his Majesty's courts of record, in which suit there shall be no protection, wager of law, or other delay, other than one imparlance.

and provide stamps.
One farthing a measure to be paid for stamping.
Penalty on mayor, &c.
The university privileges are provided for by 12 & 13 W. 3. c. 11. f. 19.

VI. And be it further enacted by the authority aforesaid, That all penalties and forfeitures by this act imposed or inflicted shall be divided, one half part thereof to the use of the poor of the parish where such forfeiture shall be made or committed, and the other part to him or them that shall prosecute or sue for the same, to be recovered by the oath of one or more credible witnesses, made before one or more justice or justices of the peace of the county, city, or place, where such offence shall be committed, who are hereby required and empowered to administer an oath to that purpose, such person being prosecuted for such offence within thirty days next after such offence committed; and the said justice or justices are hereby respectively authorized to hear and determine the same, and to cause the penalty to be levied (by warrant under his or their hands and seals) upon the goods and chattels of the offender, rendering to the party the overplus, if any shall be, deducting thereout the reasonable charges.

How forfeitures shall be divided.

VII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend to subject any person or persons to the penalties in this act contained, or any of them, so as all such beer or ale as shall be retailed, uttered, or sold by such person or persons, to be spent out of the house of such person or persons, be measured out by the standard, according to the true intent and meaning of this act, although such drink be carried away in any other vessel, or of any other quantity or quality than the ale quart before mentioned.

Act not to subject retailers to penalty for drink sold out of their houses, so it be measured by the standard.

Action to be
laid in the
county where
fact is.

General issue.

Treble costs.

Justices at the
sessions to give
this act in
charge.

Act not to ex-
tend to col-
leges, &c.

VIII. Provided always, and be it further enacted by the authority aforesaid, That if any action or suit shall be brought and prosecuted by any person or persons against any justice of the peace, or other person or persons employed by them, or any of them, in the execution of this act, for any matter, cause or thing by them, or either of them, done, committed, or executed, by virtue or reason of this act, or any clause or article therein contained, that then, and in every such case, the action shall be laid in the proper county where the fact was done and committed, and not elsewhere; and the defendant and defendants may plead the general issue, and give this act and the special matter in evidence at the trial, that the same was done in pursuance and by authority of this act; and if upon such action or actions verdict be given for the defendant or defendants, or the plaintiff become nonsuit, or discontinue his action, then the defendant or defendants shall have treble costs, which he or they shall sustain, or be put unto, by reason of his or their wrongful vexation in defence of the said action or suit.

IX. And be it further enacted by the authority aforesaid, That the justices of the peace within the several counties and cities of this kingdom are hereby required, at their respective general quarter sessions, to give the matters contained in this act in charge to the grand juries of the respective counties and cities within this kingdom.

X. Provided, and it is hereby declared and enacted, that nothing in this act contained, shall extend or be construed to extend to any colleges or halls in either of the universities of this kingdom; any thing in this act contained to the contrary in any wise notwithstanding.

CAP. XVI.

An act for the better ascertaining the tithes of hemp and flax.

WHEREAS an act made in the third year of the reign of his Majesty and the late Queen, intituled, An act for the better ascertaining the tithes of hemp and flax, was made to continue but for seven years, and to the end of the next session of parliament after such term ended, and is now expired: and whereas the said act hath by experience been found very useful and necessary; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of March, which shall be in the year of our Lord one thousand seven hundred, all and every person or persons, who shall sow or cause to be sown any hemp or flax in any parish or place in the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, shall pay or cause to be paid to every parson, vicar, or impropriator of any such parish or place, yearly and every year, the sum of five shillings, and no more, for each acre of hemp and flax so sown, before the same be carried off the ground, and so proportionably for more or less ground so sown; for the recovery of which sum or sums of money, the parson,

Ground sown
with flax or
hemp, to pay
5 s. per acre.

3 W. & M. c. 3.

parson, vicar, or impropiator, shall have the common and usual remedy allowed of by the laws of the land.

II. Provided, That this act, or any thing therein contained, shall not extend to charge any lands discharged by any *Modus Decimandi*, ancient composition, or otherwise discharged of tithes by law. Lands discharged by *Modus Decimandi* not to be charged.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to make any alteration in the right or manner of payment of tithes of flax and hemp to any ecclesiastical person, incumbent of any parsonage, vicarage, or curacy, or to any impropiator or body corporate, having or holding any impropriation, for such ground as hath at any time since the second day of *February*, one thousand six hundred eighty four, and before the second day of *February*, one thousand six hundred ninety one, been sown with flax or hemp, and paid tithe in kind to such incumbent, impropiator, or body corporate respectively, but that the same shall continue and be payable and paid, as fully and in such manner as formerly; any thing in this act to the contrary notwithstanding. Not to alter payment of tithes for ground sown with hemp or flax between 2 Feb. 1684. and 2 Feb. 1691.

IV. Provided, That this law shall continue in force for seven years, to be accounted from the said five and twentieth day of *March*, and from thence to the end of the next sessions of parliament, and no longer. *Made perpetual by 1 Geo. 1. stat. 2. cap. 26. sect. 2.*

CAP. XVII.

Act to continue 7 years.

An act to prevent disputes that may arise by officers and members of corporations, having neglected to sign the association, and taking the oaths in due time.

Members of corporations, who subscribed the association, though not according to the act 7 W. 3. shall be indemnified, &c. Officers, &c. who have or shall take the oaths, &c. before 1 August, 1700. indemnified against all incapacities, &c. Officer, &c. removed for such neglect, not to be restored, if another be elected. EXP. 7 W. 3. c. 27. 25 Car. 2. c. 2. 1 W. & M. ff. 1. c. 8.

CAP. XVIII.

An act for the more effectual punishment of vagrants, and sending them whither by law they ought to be sent.

Vagabond, &c. brought to constable with a pass, &c. shall be taken before a justice, and examined, and be either punished, or conveyed away, &c.

Justice to give constable a certificate thereof. And tax on the back of certificate an allowance for his trouble, &c. to be paid out of the gaol money, &c. Inhabitants not to be charged for conveying vagabonds, &c. Act to continue three years. Divisions, &c. in counties to be deemed counties as to this act, &c. Justices to act in such divisions as in counties. A clause in 9 & 10 W. 3. c. 47. (a private act) for erecting workhouses, &c. in Kingston upon Hull, repealed. EXP. Continued for 3 years longer by 1 Annæ, stat. 2. c. 13. Enforced and continued for 7 years longer by 5 Annæ, c. 32.

CAP. XIX.

An act to enable justices of peace to build and repair gaols in their respective counties.

WHEREAS for want of due repair, several gaols and prisons within this realm are become prejudicial to the health of prisoners, and insufficient for the safe custody of them; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority

Justices of peace on presentment of the grand jury, &c. of the insufficiency, &c. of any gaol, &c. may agree on a sum for building or repairing a publick gaol, and may charge the sums to be levied on the several hundreds, &c. of the county.

city of the same, That it shall and may be lawful for the justices of the peace, or the greater number of them, within the limits of their commissions, upon presentment of the grand jury or grand juries, at the assize, great sessions, and general gaol delivery held for the said county, of the insufficiency or inconvenience of their gaol or prison, to conclude and agree upon such sum or sums of money, as upon examination of able and sufficient workmen shall be thought necessary for the building, finishing, or repairing a publick gaol or gaols belonging to the shire or county whereof they are justices of the peace; and by warrant under their hands and seals, or under the hands and seals of the greater number of them, by equal proportion to distribute and charge the sum or sums of money to be levied for the uses aforesaid, upon the several hundreds, lathes, wapentakes, rapes, wards, or other divisions of the said county; and the justices of the peace are hereby authorized and impowered at the general quarter sessions held for the respective division of the said county, to direct their warrants or precepts to high constables, petty constables, bailiffs, or other officer or officers, as they in their discretion shall think most convenient, for levying and collecting the same.

If persons refuse to pay the assessment,

Collector may levy the same by distress.

Justices to appoint a receiver, who shall give security.

II. And be it further enacted and declared, That if any person or persons shall refuse or neglect to pay his or their assessment, by the space of four days after demand thereof by the proper officer appointed to collect the same, or shall convey away his or their goods or estate, whereby the sum or sums of money so assessed cannot be levied, then it shall and may be lawful to and for the said collectors, by warrants from any one of the justices of the peace present at the said general quarter sessions, as aforesaid, to levy the sum so assessed by distress and sale of the goods and chattels of such persons so refusing or neglecting to pay, and the goods and chattels then and there found, and the distress so taken, to keep by the space of four days at the costs and charges of the owner thereof; and if the said owner do not pay the sum or sums of money so rated or assessed, within the space of the said four days, then the said distress to be appraised by two or more of the inhabitants, where the same shall be taken, or other sufficient persons, and to be sold by the collector for payment of the said money, and the overplus of such sale (if any be) over and above the sum so assessed, and charges of taking and keeping of the distress, to be immediately returned to the owner thereof; and the said justices of the peace are hereby authorized and impowered, under their hands and seals, or under the hands and seals of the greater number of them, to constitute and appoint one or more sufficient person or persons to be receiver of the money so assessed; the said receiver, first giving security to be accountable, when thereunto required, for all sums of money received or disbursed by him in pursuance of such order as he shall have received, under the hands and seals of the justices of the peace, or the greater number of them; and if the said receiver or receivers, high constable,

stable, petty constable, or other officers, shall, by the space of four days after demand, refuse to account for all sums of money received by them, in pursuance of this act, then it shall and may be lawful for the justices of the peace, or the greater number of them, to commit him or them to prison, there to remain without bail or mainprize, until he or they shall have made a true account, satisfied, or paid such sum or sums of money, as shall appear to remain in his or their hands; and the receipt of such receiver shall be a sufficient discharge to all high constables; petty constables, or other officer or officers paying their proportion of such assessments; and the discharge under the hands and seals of the justices of the peace, or the greater number of them, at the assize, great sessions, and general gaol delivery, to such their receivers, shall be deemed and allowed as a good and sufficient release, acquittance, or discharge in any court of law or equity, to all intents and purposes whatever; and the said justices of the peace are hereby authorized and empowered to covenant, contract, and agree with any person or persons, for the well and sufficient building, finishing, or repairing of the said gaol or gaols.

Penalty on receiver, collector, &c. refusing to account.

Receiver's receipt a discharge to collectors.

III. And be it further enacted by the authority aforesaid, That all murderers and felons shall be imprisoned in the said common gaol, and not elsewhere, and that the sheriff shall have the keeping of the said gaols.

Murderers and felons to be kept in the common gaols.

IV. Provided always, That this act be not in any wise hurtful or prejudicial to any person or persons, having any common gaol by inheritance for term of life, or for years, but that they shall have and enjoy the said gaols, and the profits, fees, and commodities, of the same, as they had or might lawfully have had before making this act, and as if this act never had been made.

Act not to prejudice gaols held by inheritance, &c.

V. Provided, That this act shall not extend to charge any person inhabiting in any liberty, city, town, or borough corporate, which have common gaols for felons taken in the same, and commissions of assize, or gaol delivery of such felons, for any assessment to the making the common gaol or gaols of the respective shire or county.

Inhabitants in any liberty, &c. who have a common gaol, not chargeable;

VI. And be it further enacted by the authority aforesaid, That if any action, plaint, suit, or information shall be commenced or prosecuted against any person or persons, for what he or they shall do in pursuance or in execution of this act, such person or persons so sued in any court whatever, shall and may plead the general issue, Not guilty, and upon any issue joined may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer a discontinuance, or if a verdict pass against him, the defendants shall recover their treble costs, for which they shall have the like remedy, as in any case when costs by the law are given to defendants.

General issue.

Treble costs.

VII. And be it further enacted, That where any prisons or gaols belonging to any county of this realm, or the dominions of Wales, are situate upon any lands or hereditaments of or belonging

If gaols be situate on the crown lands, such lands

shall not be
alienable.

longing to the King's majesty in right of the crown, that the said lands and hereditaments, with their and every of their appurtenances, shall not at any time be alienated from the crown, but remain and be for the publick service and benefit of the county.

No officer to
enter into
peer's house
to distrain, &c.

VIII. Provided always, and it is hereby enacted, That it shall not be lawful for any collector or other officer to enter into the mansion-house of any peer or peers of this realm, to distrain for the duties aforesaid.

Act to con-
tinue 10 years.
2 Geo. 1. c. 26.

IX. Provided, That this act shall continue and be in force for the space of ten years, and from thence to the end of the next session of parliament, and no longer. *Made perpetual by* 6 Geo. 1. cap. 19. sect. 1.

C A P. XX.

An act for taking away the duties upon the woollen manufactures, corn, grain, bread, biscuit, and meal exported.

WHEREAS certain subsidies or duties, which were payable upon the exportation of the woollen manufactures, as well of the old as the new draperies, by the act of tunnage and poundage, made in the twelfth year of the reign of King Charles the Second, and by the book of rates therunto annexed (except such part thereof as hath been taken away by an act made in the five and twentieth year of the reign of the said late King Charles the Second, intituled, An act for taking off aliens duties upon commodities of the growth, product, and manufacture of the nation) are, by an act of parliament, made and passed in the eighth year of his now Majesty's reign, intituled, An act for making good the deficiencies of several funds therein mentioned, and for enlarging the capital stock of the bank of England; and for raising the publick credit, granted to continue until the first day of August, which shall be in the year of our Lord one thousand seven hundred and six: and whereas by an act of parliament, which was made in the fourteenth year of the reign of the said late King Charles the Second, intituled, An act for preventing frauds, and regulating abuses, in his Majesty's customs, all woollen manufactures, exported from any port of this kingdom, capable of a ship or vessel of two hundred tons upon an ordinary full sea, to any part or place of the Mediterranean sea, beyond the port of Malaga, in any ship or vessel that hath not two decks, and doth carry less than sixteen pieces of ordnance mounted, together with two men for each gun, and other ammunition proportionable, are (amongst other things) liable to a further duty of one per centum; as by the said several acts, relation being thereunto had, may more fully appear: and whereas the wealth and prosperity of this kingdom doth, in a great measure, depend upon the improvement of its woollen manufactures, and the profitable trade carried on by the exportation of the same, which trade ought, by all proper means, to be encouraged; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in parliament assembled, and by the authority of the same, That from and after the thirtieth day of March, one thousand

thousand and seven hundred, all and every the subsidies, duties, and sums of money, by the acts before-mentioned, or any of them, or by any other act or acts of parliament, or law whatsoever now in force, granted, continued, due, or payable, or to grow due or payable, for or upon the exportation of any long cloths, short cloths, kerseys, bays, or serges, cottons, stuffs, stockings, hats, caps, or any other manufactures of wooll, or made of sheeps wooll, or coney wooll, or mixed with any or either of them, and which are or shall be made or manufactured within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, shall cease, determine, and be no longer due or payable to his Majesty, his heirs or successors, for so much as shall be exported after the said thirtieth day of *March*; the afore said acts of parliament or any of them, or any other law, statute, ordinance, custom, prescription, or provision whatsoever to the contrary notwithstanding.

Duties payable by the afore said acts on exportation of English woollen manufactures, &c. determined.

II. And for the better encouragement of the woollen manufactures of this kingdom; be it further enacted by the authority aforesaid, That the subsidy and aulnage of the old and new draperies, and of all woollen manufactures whatsoever, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, shall, from and after the expiration, or other sooner determination (except for non-payment of rent, within three months after the same becomes due and payable) of the two grants or leases of the said duties, to *Charles* duke of *Richmond* and *Lenox*, for the term of sixty years, bearing date the eighteenth day of *December*, in the sixteenth year of King *Charles* the Second, cease, determine, and be no longer due or payable; any law, statute, usage, prescription, or custom whatsoever to the contrary in any wise notwithstanding.

Aulnage duties (after expiration of the grants thereof) to cease, &c.

III. Provided always, That nothing in this act contained shall be prejudicial to the patent granted by the late King *Charles* the Second, bearing date at *Westminster*, the fifteenth day of *April*, in the twenty eighth year of his reign, to Sir *James Hayes*, and Sir *Peter Apsley*, their executors and administrators, of which there is about eight years yet to come, but that the same shall remain in the same and no other or better plight and condition than as before the making of this act; any thing herein contained to the contrary notwithstanding.

But not to prejudice Sir James Hayes and Sir Peter Apsley.

IV. And for the greater encouragement of tillage, be it further enacted by the authority aforesaid, That from and after the thirtieth day of *March*, one thousand seven hundred, the subsidy and all other duties whatsoever payable for or upon the exportation of wheat, rye, barley, malt, beans, pease, and other sorts of corn and grain whatsoever, ground or unground, and for and upon the exportation of bread, biscuit, and meal, or any of them, out of or from the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, as to so much of the said commodities, or any of them, as shall be so exported after the said thirtieth day of *March*, shall cease, determine, and be no longer due or payable to his Majesty, his heirs and successors;

Duties payable on exportation of wheat, rye, &c. to cease.

1 Annæ, stat. c. 13. s. 2.
2 Annæ, c. 6.
3 Geo. 1. c. 7.

sors; any law, statute, usage, or prescription to the contrary notwithstanding.

CAP. XXI.

An act for the explanation and better execution of former acts made touching watermen and wherry-men rowing on the river of Thames, and for the better ordering and governing the said watermen, wherry-men, and lightermen, upon the said river between Gravesend and Windsor.

Further provisions in relation to matters, &c. in this act by 2 Geo. 2. c. 26.

WHEREAS, notwithstanding the laws that have been heretofore made for good order, rule, and government amongst the watermen and wherry-men, using and rowing on the said river of Thames, it hath oftentimes happened, that divers people passing by water upon the said river, have been put in danger of their lives and goods, and many times have perished and been drowned; and this occasioned by the unskilfulness and want of experience in wherry-men and watermen, and persons out of the rule of any master or governor; and for that in and by the said acts, the rulers and overseers of the company or society of watermen are not sufficiently impowered to make rules, orders, and constitutions, for the order, rule, and government of the watermen and wherry-men rowing on the said river, with pains and penalties to enforce their due obedience to such orders, rules, and constitutions, and easy recovery of the said penalties: and whereas the lightermen, rowing on the said river of Thames, are grown very numerous, and are at present without rule and government amongst them, by whose rudeness and unskilfulness in working of lighters and other large craft, ships and vessels are hindered in the delivery of coals, and thereby frequently stopped in the proceed of their voyages, and the goods and lives of divers of his Majesty's subjects are likewise frequently endangered and lost, and notorious disorders are occasioned: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every law and statute now in force, touching or concerning watermen and wherry-men, and every article and thing in them contained, and not herein or hereby altered or repealed, shall be duly put in execution by all persons therein concerned, according to the tenor of the said laws, and under the penalties therein contained; and that all and every person being a lighterman or owner of any lighter or lighters, or having and keeping any lighter or other large craft, or working in the same between *Gravesend* and *Windsor*, shall be, and be deemed and taken to be of one and the same society or company with the said wherry-men and watermen; and the said wherry-men, watermen, and lightermen, are declared to be, and are hereby made and constituted, one society and company, and as such shall be hereafter deemed and taken.

All laws concerning watermen, &c. to be put in execution.

Lightermen, wherry-men, &c. made one company.

Lightermen to be registred at

II. And be it enacted by the authority aforesaid, That all and every person and persons, who now keep, or shall hereafter keep or

or work, or shall be employed in rowing or any ways navigating any lighter or lighters, or other great craft, on the river of *Thames* (*Trinity* men, fishermen, ballast men, western barges, and mill boats, chalk hoys, faggot and wood lighters, and other craft carrying the same excepted) shall be duly and truly registered in a book or books for that purpose to be kept by the company of watermen and lightermen, and shall likewise be liable to such orders, rules, and constitutions, made or to be made, for the better rule and government of the said society or company of watermen and lightermen, and the pains and penalties to enforce due obedience thereunto.

Watermen's hall.
Exception.
See 4 Annæ, c. 19. s. 18.

III. And be it also enacted by the authority aforesaid, That there shall be yearly appointed, elected, and chosen, by the court of lord mayor and aldermen of the city of *London* for the time being, the number of eight persons, of the most wise, discreet, and best sort of watermen, and the number of three persons, out of twelve persons to be yearly nominated by the lightermen, of the most wise, discreet, and best sort of lightermen, being householders, having two lighters or flat boats upon the said river, between *Gravesend* and *Windsor*; which elections shall be yearly at the first court of aldermen to be holden within the said city, next after the first day of *June*; and the said eleven persons so elected shall be named and called *The overseers and rulers* of all the wherry-men, watermen, and lightermen, that from and after the said first day of *June*, shall use, occupy, or exercise any rowing upon the said river of *Thames* betwixt *Gravesend* and *Windsor* aforesaid; which said overseers and rulers shall keep and maintain good orders and obedience amongst the said watermen and lightermen, according to the true meaning of this present and former acts; and the said eleven overseers and rulers, or the greater part of them, are hereby authorized from time to time to convene and call before them, at the hall of the said company, within the city of *London* and liberties thereof, all and every such person or persons, which from and after the nine and twentieth day of *June*, one thousand seven hundred, shall keep or use in rowing or any ways navigating any lighter or other great craft (except as before excepted) betwixt *Gravesend* and *Windsor* aforesaid, and shall enter and register the name and names of them and every of them for lightermen to row on the said river, in a book to be kept for the same intent and purpose; and from time to time to take such order and direction therein, with every of the said parties, by authority of this present act, as it shall seem meet and necessary by the discretion of the said overseers and rulers for the time being, or the greater part of them, for the common benefit of his Majesty's subjects.

Rulers, &c.
to be elected yearly.

and to register all lightermen rowing, &c. between *Gravesend* and *Windsor*.

IV. And in regard the numbers of wherry-men, watermen and lightermen, are more numerous and disorderly than heretofore; be it enacted by the authority aforesaid, That for the better order and government of the said society and company, the said rulers and assistants for the time being shall and are hereby required, on the first court day after the first day of *June* next, and so yearly

Rulers yearly to appoint assistants.

for watermen
not under
forty,

and for ligh-
termen nine.

Seven auditors
to be elected
yearly, &c.

Rulers, audi-
tors, &c. may
make by-laws,
to be approved
by the court of
aldermen of
London, and
confirmed by
one of the two
chief justices.
*By-laws made
in pursuance
hereof restrain-
ing watermen
as to taking ap-
prentices, &c.
are made void
by 4 Annæ,
c. 13. s. 1.*

yearly and every year, by their order, to appoint the watermen of the principal towns, stairs and places of plying, or the major part of them respectively, between *Gravesend* and *Windsor*; and such watermen shall and are hereby required to choose one free waterman, being an houlholder, to be of their assistants, so as they exceed not sixty, nor be less than the number of forty watermen; and on the first day of *June* next, the lightermen which shall meet at the hall of the said company, between the hours of eight and twelve in the morning, or the major part of them then present, and so yearly and every year, shall choose nine lightermen, who, together with the said watermen, shall be and be called *The assistants* of the said society and company, to advise and assist the rulers of the said company for the time being, in the discovery and regulation of miscarriages from time to time done on the said river of *Thames*, for putting the former laws and this present act in due and full execution, and in preserving good rule and government amongst the said society and company; and the said rulers and assistants, or the major part of them, shall yearly and every year, on the first day of *July*, present to the court of lord mayor and aldermen for the time being, for their approbation, five persons able and fit watermen, and two persons able and fit lightermen, to be called *Auditors* of the said society and company, who shall, or the major part of them, audite the accounts of the rulers and others of the said society and company for the time being; and that upon auditing and true stating of the said accounts, the same shall be fairly entred in a book to be kept for that purpose, and signed by the said auditors, or the major part of them, to be set in some publick place of the company's hall aforesaid, to be inspected by any person concerned at times convenient; and if any person or persons, which at any time hereafter shall be elected or appointed ruler, assistant, or auditor of the said company, do, after notice given him or them, obstinately refuse to take upon him or them the place or places to which he or they shall be so elected, or shall negligently exercise or use such his or their place or places, that then every such offender or offenders shall forfeit and pay five pounds; and the said rulers, auditors and assistants, or the major part of them present, being all duly summoned by summons in writing left at the place of their usual abode, shall and may, and they are hereby impowered and authorized, from time to time, for the better and more effectual keeping and maintaining good order and obedience amongst the said society and company, to make, ordain, and provide such reasonable and lawful rules, orders and constitutions, as in their discretion they shall think fit, with reasonable pains and penalties to the same annexed; which said rules, orders and constitutions shall, from time to time, be laid before the court of lord mayor and aldermen of the city of *London* for the time being, to be by them examined, altered or approved, and afterwards confirmed or altered by the lord chief justice of either bench, for the common good and profit of his Majesty's subjects;

subjects; and all such rules, orders and constitutions, so made and examined, approved, ratified and confirmed, shall from time to time, and at all times, be well and duly observed and put in execution.

V. And for the further and better enforcing due obedience to the said rules, orders and constitutions, and more easy and speedy recovery of the pains and penalties to the same annexed; be it further enacted, That the lord mayor of *London*, and the aldermen of the said city, and the justices of the peace within the shires next adjoining to the said river of *Thames* between *Gravesend* and *Windsor*, every of them within their several jurisdictions and authorities, shall have full power and authority, by virtue of this present act, upon complaint made to them, or any of them, by the said overseers and rulers, or any two of them, to examine, hear and determine, by the oath of one or more witnesses (which every of them are hereby authorized to administer) or by the confession of the offender, all complaints or offences to be done or committed by any such person or persons that shall offend contrary to the true meaning of this present act, or any rule, order or constitution, to be made pursuant to the authority hereby given, and by distress and sale of the goods of every such offender, by warrant under the hand and seal of the said lord mayor and aldermen, or one or more of the said aldermen or justices, to cause to be levied, from time to time, all the penalties inflicted by former and this present act touching watermen wherry-men or lightermen, or by any such rule, order or constitution, that shall by virtue of this present act be forfeited.

Lord mayor,
&c. and justices to hear
and determine
complaints.

Penalties inflicted to be
levied by distress.

VI. And be it further enacted and declared by the authority aforesaid, That all and every person or persons now owning, having, using, keeping, or working any lighter or flat boats, commonly used for the lading and unlading goods and merchandizes, to or from any ship or ships, or other vessel or vessels, who shall register the names of themselves and their servants, with their respective places of abode, in the book or books of the said company kept for that purpose, on or before the nine and twentieth day of *September* next, shall be deemed and taken to be lightermen, and they are hereby declared to be lightermen, within the intent and meaning of this present act; and it shall and may be lawful to and for all and every such person and persons so registered, and no other person or persons, but such (free watermen, who are not at present lightermen, that shall be registered as lightermen at any time or times hereafter, and such person and persons who shall have been or are lawfully retained and served his apprenticeship with a lighterman, excepted) to use, keep and work, or be employed in the working of or in any lighter or lighters, or other great craft; upon pain that every person or persons doing the contrary, shall from time to time, for every such offence, forfeit and lose the sum of five pounds for every week that he or they shall have, use and work,

None but registered lightermen (except free watermen, &c.) to work any lighter, &c.

Penalty.

or

or work in any lighter, or other large craft; any thing herein contained to the contrary in any wise notwithstanding.

No person (except Trinity men) to row or ply betwixt Gravesend and Windsor, unless he served his apprenticeship to a waterman, &c.

VII. And be it further enacted by the authority aforesaid, That no person or persons whatsoever (except *Trinity men*) be admitted or allowed to work, row or ply on the said river of *Thames*, betwixt *Gravesend* and *Windsor*, in any boats, wherries, or barges ordinarily serving for carrying passengers for profit, gain or reward, except such person or persons as shall have served his apprenticeship to a waterman, or is a servant or apprentice to a waterman, and shall in all things be duly qualified as by former statutes and this act is directed, for the security and safety of goods and passengers carried by water; and that all and singular the forfeitures and penalties in the said former laws and this present act contained, shall from time to time, and at all times, be paid unto the rulers and overseers of the said wherry-men, watermen and lightermen, or the major part of them, for the use of the poor, aged, decayed and maimed persons of the said society and company of wherry-men, watermen and lightermen.

To whom forfeitures shall be paid, and for what use.

Owners of keys, &c. betwixt the *Hermitage Bridge* and *London Bridge* may use their own lighters, &c. and employ persons qualified to row therein.

Persons keeping wharfs, or dealing in coals, &c. may use their own lighters, &c.

3 Geo. 2. c. 26. s. 1. Woodmongers may keep lighters for carrying their own goods, &c.

VIII. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the lessees, owners or occupiers of any key or keys betwixt the *Hermitage Bridge* and *London Bridge*, or any or either of them, to use their and every of their lighters or large crafts, as has been heretofore lawfully accustomed, for the carrying of goods and merchandizes to and from their respective keys and wharfs, and to and from ships loading or unloading, and to employ any person or persons, being watermen or lightermen duly qualified as in and by this present act is directed and appointed, to row and work in their respective lighters or large craft, and to do and act any thing as heretofore they might lawfully do, from such their respective keys and wharfs to any ships or vessels as aforesaid; any thing in this present act contained to the contrary thereof in any wise notwithstanding: and that it shall and may be lawful for any person or persons, who now are, or hereafter shall be a woodmonger or woodmongers, and do keep a wharf or wharfs for retailing of fuel, to keep, use and row, by themselves or servants, any lighter or lighters, or other large craft, for carrying of their own goods so to be retailed, and none others; provided such servants be watermen or lightermen within the meaning of this act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Act not to prohibit dung lighters, nor gardeners boats, &c.

IX. Provided always, That this act, nor any thing herein contained shall not extend or be construed to extend to prohibit any owners, proprietors or lessees of laystalls to carry off the soil from the said laystalls in such lighters or vessels, and by such persons, as have hitherto been accustomed, nor to prohibit any gardener from bringing to the markets of the cities of *London* and *Westminster*, and the places adjacent, their own fruit, herbs, roots and other products of their gardens, or soil and dung in their boats, and by their own servants, as they have formerly accustomed

accustomed to do; any thing herein contained to the contrary notwithstanding.

X. Provided also, That no person shall be punished for any offence against this act, unless such offender shall be prosecuted for the same within thirty days after the offence committed.

Prosecution to be in 30 days after offence.

XI. Provided always, That if any action, bill, plaint or suit, shall at any time after the first day of *June*, be commenced or brought against any person or persons whatsoever, for or by reason of any matter or thing which he or they shall do in pursuance of, or by colour of this act, it shall and may be lawful to and for the person or persons so sued or prosecuted to plead the general issue, or that what was done by him was done by virtue of this act, without saying more, and give this act or any other special matter in evidence; which act is hereby declared to be a publick act; and if the verdict shall pass for the defendant or defendants in such action, or the plaintiff or plaintiffs become nonsuit, or suffer any discontinuance thereof, that in any such case the defendant or defendants shall have his or their double costs, which he or they shall have sustained in defence of such action or suit, for which the said defendant or defendants shall have the like remedy, as in other cases where costs by the laws of this realm are given to defendants.

Persons sued may plead the general issue.

Publick act.

Double costs.

XII. Provided, That where any offender shall be punished by force of this act, he shall not be prosecuted nor incur the penalty of any other law or statute for the same offence.

Proviso concerning punishment of offender.

XIII. *And whereas great numbers of idle and loose watermen and boys do work on the Lord's day, commonly called Sunday, and exact large prices from passengers, whose necessary occasions oblige them to pass and repass the river of Thames, and generally spend such their gains in drunkenness and profaneness the succeeding week: for prevention whereof, and to the end that what shall be got thereby, may be applied to the charitable relief of such aged and maimed watermen and lightermen, their widows and children, whose circumstances want assistance; be it enacted by the authority aforesaid, That from and after the first day of June next, it shall and may be lawful to and for the said rulers and overseers, auditors and assistants, of the said society and company for the time being, or the major part of them, on their respective court days, to appoint any number of watermen, not exceeding forty, to ply and work on every Lord's day between Vaux Hall above London Bridge, and Lime-house, below the same bridge, at such common stairs or places of plying, as to the rulers and overseers, auditors and assistants, or the major part of them, shall seem most convenient, for the carrying and recarrying of passengers cross the said river, between the limits aforesaid, at one penny each person so to be carried; and all the watermen so to be appointed on every the days aforesaid, shall, on every Monday morning respectively, pay unto the order of the said overseers and rulers, auditors and assistants, all such sum and sums of money as by them respectively shall be received for conveying passengers on the Lord's day as aforesaid; and the said overseers*

Rulers may appoint 40 watermen to work on Sunday between Vaux Hall and Lime House, for carrying passengers cross the river at 1 d. each. Watermen so appointed, to pay the money received every Monday morning to the rulers, and be only allowed for their labour.

and

Overplus how applied.

and rulers, auditors and assistants, or the major part of them, or their order, shall pay to each respective waterman working as aforesaid, for his day's labour so much as they shall agree for, and the overplus shall from time to time be applied to the use of the poor, aged, decayed, and maimed watermen and lightermen of the said society and company, and their widows; and if any person appointed to work, as aforesaid, shall neglect to pay on every *Monday* to the order aforesaid, the full sum of money that he shall have earned and received on the Lord's day next before, he shall for every such omission or short payment forfeit and pay to the order of the said overseers and rulers, auditors and assistants, or the major part of them, the sum of forty shillings, to be recovered, as aforesaid.

Penalty on waterman not paying the money received.

Act not to abridge the late duke of Richmond's right of holding a court in Gravesend, &c.

called *Curia curjus aquæ*.

XIV. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend to the lessening, taking away, abridging, hindring, prejudicing, or otherwise howsoever impeaching of any right belonging to or lawfully claimed by the late *Charles* duke of *Richmond* and *Lennox*, lord of the manor of *Gravesend*, his heirs, executors, administrators, or assigns, for the holding a certain court within the said manor, called *Curia curjus aquæ*, or, The court of the watercourse, for the better government of barges, boats, and vessels, using the ferry or passage from the town of *Gravesend*, to *London*, and of the persons owning or working the same, or of any other rights, liberties, powers, and privileges whatsoever belonging to the said late duke, his heirs, executors, administrators, and assigns, relating to the said ferry or passage, or to the barges, tilt-boats, or other boats and vessels using the said ferry or passage, or plying at the bridge of the said town of *Gravesend*, or the persons owning or working the same, or otherwise howsoever.

Nor to lessen &c. the liberties, &c. of the inhabitants of Gravesend, &c. relating to the ferry from Gravesend to London, &c.

XV. Provided always, That this act, or any thing therein contained, shall not extend, or be construed to extend to the lessening, taking away, abridging, hindring, prejudicing, or impeaching of any grants, liberties, franchises, customs, privileges, or usages, now or heretofore lawfully used, held, or enjoyed, by the mayor, jurats, and capital inhabitants of the villages and parishes of *Gravesend* and *Milton* in the county of *Kent*, touching, concerning, or relating to the passage and ferry upon the said river of *Thames*, from the said villages and parishes of *Gravesend* and *Milton*, to the said city of *London*, or touching or concerning the government or gubernation of the said passage and ferry; but that the said mayor, jurats, and inhabitants, and their successors, shall and may do and execute all and every such lawful act and acts, powers and authorities, touching the said passage and ferry, and the government thereof, as they might or could have done, if this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

Proviso concerning the watermen of

XVI. Provided always, That this act, or any therein contained, shall not extend to hinder or prevent the watermen of the

the parish of Saint *Margaret, Westminster*, from plying or working cros the river of *Thames* from *Westminster* bridge to *Standgate*, and from the *Horse Ferry* to *Lambeth* bridge on every Lord's day, in their several turns, as they have lately accustomed and used to do; and the money earned by them or any of them on that day is hereby directed to be, from time to time employed for the use of the poor, aged, decayed, and maimed watermen and their widows of the parish of Saint *Margaret, Westminster*; and any two justices of the peace of the said parish are hereby authorized, from time to time, to call the watermen, so working, to account for the monies by them earned on the Lord's day, as aforesaid, and to cause the same to be applied and disposed as aforesaid; and that the said watermen of the said parish of Saint *Margaret* for the time being shall choose two stewards and a clerk on the three and twentieth day of *April* in every year yearly, and such watermen of the said parish, or the major part of them, which shall be present at a meeting of their society, shall, and have hereby power to appoint such of the watermen of the said parish, as shall in their respective turns work on the Lord's days, as aforesaid; any thing in this act contained to the contrary notwithstanding.

St. Margaret,
Westminster.
2 Geo. 2. c. 26.
10 Geo. 2. c.
311

CAP. XXII.

An act for making the river *Larke, alias Burn*, navigable.

Henry Ashley esq; impowered to make the said river navigable, improve the passage for boats, &c. make new cuts through the King's or other grounds, and build bridges, sluices, &c. with free liberty of ways for carrying materials, &c. and may alter bridges, turn highways, &c. and set out towing paths, &c. first giving satisfaction to the owner. Undertaker to make a ditch between towing-path and lands of William Gage, &c. In case undertaker and owners cannot agree, &c. Commissioners to enquire upon oath, and determine what satisfaction owners shall have for damages, &c. not exceeding 25 years purchase, and proportion every one's share. Commissioners orders to be kept amongst the records of the sessions, &c. On payment of money agreed on. Undertaker may dig, cut, &c. the said lands, erect bridges, &c. and maintain the same, &c. Owner, &c. refusing to appear; commissioners may inquire into such respective owner's damage, and order satisfaction. Rights of fishing and fowling reserved. In case of death of commissioners, others to be chosen, having 300 l. *per annum*, or 6000 l. If the water be raised higher than usual, banks to be raised proportionably, or if the river be deepened at any fording place, &c. the undertaker to make bridges, &c. No highway or foot-path to be removed without allowance. If undertaker pull down any bridge, he shall erect another as useful. Justices to determine offences concerning bridges, and inflict penalties. All banks to be maintained as usual. Undertaker to demand for all goods, &c. carried up or down the said river, from Mildenhall Mill, to Bury St. Edmund's, the rates following. For every chaldron of coals Lynn measure, 3 s. 1 d. For every half-hundred of deals, 2 s. Load of timber (forty foot to the load) 2 s. Eight packs of wool, ten tod to the pack, 2 s. 6 d. Weigh of salt, 2 s. 6 d. Load of wheat or barley, ten combs to the load, 2 s. Last of oats 2 s. 6 d. Load of beans or pease, 2 s. 6 d. Tun of grocery wares, 2 s. 6 d. Tun of oil or wine, 3 s. 10 d. Thousand of turfe, 3 s. 2 d. Load of reed, sedge, or hay, twenty hundred to a load, 3 s. 1 d. Load of hemp, twenty hundred weight, 3 s. 2 d. Last of malt, 2 s. 6 d. Load of bricks, five hundred to the load, 1 s. Thousand of tiles, 1 s. 6 d. And for every ton of other goods, 2 s. Watermen, &c. to give account of all goods conveyed, &c. In case of

VOL. X.

A a

fusal,

fufal, goods may be ftopt, and weighed. Any perfon concealing goods, &c. may be ftopted, &c. Millers may carry materials, &c. for repairing their mills, &c. toll free. Liberty granted to Sir Edward Gage and William Gage, to carry dung, &c. for their own lands, and their tenants, toll free. And the like liberty for carrying the product thereof. Like liberty to occupiers of lands adjoining to the river, &c. Twenty chaldron of coals may be conveyed yearly to Bury, for the poors ufe, toll free. Boat mafter, &c. answerable for damages. Boats, &c. lying in any fluice, &c. obftructing the paffage of others, may be removed. Undertaker with confent of commiffioners may make by-laws, and fet penalties. No common wharf or key to be made in Bury without confent of magiftrates. Liberty to keep pleafure boats on the faid river, toll free; but not to carry goods, &c.

CAP. XXIII.

34 & 35 H. 8.
c. 9.
3 & 4 W. &c.
M. c. 12.

An aft for the better preferving the navigation of the rivers Avon and Froome, and for cleaning, paving, and enlightning the ftreets of the city of Briftol.

Throwing ballaft, cinders, &c. into the river Avon, &c. or placing ballaft, &c. on the wharfs, &c. in the city or fuburbs of Briftol, &c. adjudged a common nufance. Mayor, &c. of Briftol to appoint convenient places for laying afhes, &c. Scavengers to carry all duft, &c. to the faid places. Houfe-keepers, &c. twice a week to fweep their ftreets, and fcarvenger to carry away the dirt. No afhes, &c. to be laid in the ftreets, &c. or thrown into any common feWER, &c. Houfe-keepers, &c. to caufe the ftreets before their houfes to be paved, and defalk the fame out of their rent. Penalty on laying empty drays, &c. in the ftreet, or fawing timber, &c. without licence. Mayor, &c. to make orders for regulating the markets, and for carrying away dirt, &c. Mayor, &c. appointed confervators of the river Avon, from Tower Harratz to Hannam's mills, and to punifh nufances, &c. appoint officers for prefervation thereof, &c. and impofe fines, &c. to be levied by diftreff. Surveyors of the highways to have the care of cleaning the ftreets, &c. Churchwardens, &c. to fettle a parifh rate for cleaning the ftreets, payable quarterly. Perfons aggrieved may appeal to the quarter fefhions. Monies collected to be yearly accounted for. How the ward of the caftle precinct fhall be rated. The rights of fifhery, or royalties on the rivers, faved. Not to abridge any rights of the mayor, &c. of Briftol on the faid rivers. Houfholders paying 2 d. per week to the poor, to hang out lights in the ftreet, unlefs they agree to ufe lamps, &c. Perfons authorized may make a rate for cleaning the ftreets, and an affeffment for erecting publick lamps, &c.

CAP. XXIV.

An aft to enable the mayor and citizens of the city of Chefter to recover and preferve the navigation upon the river Dee.

F. X P.
6 Geo. 2. c. 30.

Duties to be paid for 21 years to the mayor, &c. of Chefter, for making the river Dee navigable. Coals three half-pence per barrel, lime or limestone 2 d. per barrel, to be paid on unloading, &c. Mayor and aldermen, &c. to appoint collectors and receivers, &c. Monies collected to be paid to the city treafurer. Coal, limestone, &c. fhall be fold in fome publick place in Chefter, as the mayor, &c. fhall appoint. On nonpayment of duty, boat and goods may be ftopt, and cart, horfe, &c. until the fame be paid. Mayor, &c. to nominate collector, receiver, &c. who fhall give fequity, and be allowed 12 d. in the pound for their pains. Mayor, &c. may contract for making new works, &c. Accounts of receipts and difburfements to be entred. Seven commiffioners to be chofen yearly for executing the powers in this aft, who may examine collectors, &c. on oath, allow their accounts, &c. River Dee may be made navigable from the fea to Chefter, and the channel turned. Commiffioners for executing the powers, may mark out the fands, foil, &c. Sand and ground inclofed, &c. vefted in the mayor and citizens for ever, who may improve the fame, and take the profits, for maintaining and repairing

repairing the works. Commissioners to set out a publick highway over the sands. Mayor, &c. may survey the river, &c. Rights of Anne Offley reserved, &c. Owners of Blacon manor may set up sluices, &c. In case new channel be cut within 450 yards southwards of Blacon-house. Owners to have satisfaction for damage, &c. Differences shall be adjusted by arbitrators. Party aggrieved may appeal to the chief justice of Chester, whose order shall be final. Not to extend to Sir William Glynn, and others. In case river be not fordable at low water, mayor, &c. to employ two free ferry-boats, &c.

Anno Regni GULIELMI III. duodecimo & decimo tertio.

AT the parliament begun at Westminster the sixth day of February, Anno Dom. 1700. in the twelfth year of the reign of our sovereign lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King defender of the faith, &c. and from thence continued by prorogation to the tenth day of February, 1700. (and from thence by adjournments, continued till the twenty fourth day of June, 1701.*) being the first session of this present parliament. * Added from the enrolment.

C A P. I.

An act for renewing the bills of credit, commonly called, Exchequer bills.

WHEREAS it is found by experience to be very difficult and troublesome for persons who have any of the bills of credit, commonly called, Exchequer bills, in their hands undischarged, to compute the interest thereupon, (which hath hitherto grown due after the rate of five pence a day for every one hundred pounds principal money contained therein, for such time: only as they have not been in the publick receipts) because most of the said bills do contain very small sums, and have many endorsements thereupon, according to which the said interest is to be reckoned, and many of the said bills are so filled up already, that they are not capable of any further endorsements, which should be made when they are brought into any of the said publick receipts; whereby divers persons have been, and are discouraged to accept such bills in payment: for remedy of which inconveniencies for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, That when any of the bills of credit, commonly called, Exchequer bills (being uncanceled, or undischarged) shall at any time or times be paid, lent, or brought into the receipt of his Majesty's Exchequer, it shall and may be lawful to and for the commissioners of his Ma-

Bills of credit brought into the Exchequer to be cancelled.

jeſty's treaſury, or any three or more of them now being, and to and for the high treaſurer, or any three or more of the com-
miſſioners of the treaſury for the time being, to cauſe the prin-
cipal and intereſt monies which ſhall be due upon all or any
ſuch bills (the ſame being firſt tried by the counterparts thereof)
to be exactly caſt up, and ſuch bills to be cancelled, taking care,
in a book to be kept for that purpoſe, to cauſe the number,
date, principal and intereſt of every ſuch cancelled bill to be
fairly entred, with the reſpective fund upon which it is cancelled,
and thereupon from time to time to make new bills, to contain
each of them, one hundred pounds, or fifty pounds, or twenty
five pounds, ſo as the principal money to be contained in ſuch
new bills to be made forth from time to time, do not in the
whole exceed the ſum total of the principal and intereſt monies
which was due upon all the bills that ſhall have been cancelled
by virtue of this act.

New bills to be
made,

but not to ex-
ceed the ſum
total of the
cancell'd bills.

New bills to
bear intereſt
at 4 d. per
cent. per
diem,

and appropri-
ated to the
ſame uſes.

II. And be it enacted by the authority aforeſaid, That all the
new bills to be made forth by virtue of this act, as aforeſaid,
ſhall bear an intereſt thereupon of four pence a day for every one
hundred pounds, and ſo proportionably for the leſſer ſums be-
fore mentioned; which intereſt ſhall be allowed due and pay-
able for ſuch time or times only, as the ſaid new bills ſhall not
lye in the hands of any his Majeſty's receivers or collectors, or
in his Majeſty's Exchequer, in like manner as the ſaid higher
interreſt was allowable upon the ſaid former bills; and the ſaid
new bills ſo made, ſhall, in the receipt of his Majeſty's Exche-
quer, be appropriated and applicable to the ſame uſes or pur-
poſes whereunto ſuch cancelled bills were appropriated and ap-
plicable, and under the ſame penalties, forfeitures and disabili-
ties, to be inflicted for diverting or miſapplying the ſame, as
were by any law or ſtatute provided for diverting or miſapplying
any of the monies for which ſuch cancelled bills were taken
reſpectively.

And to have
the like cur-
rency in all
taxes, &c.

III. And be it further enacted by the authority aforeſaid,
That the ſaid new bills ſhall in all reſpects have the like cur-
rency in all taxes, aids and revenues, and alſo at the Exchequer,
and there ſhall be inflicted the ſame puniſhments for forging, or
counterfeiting the ſame, and ſhall be ſubject to the ſame rules
and methods, and ſuch contracts for ſupporting the credit there-
of ſhall and may be made, as by any former law or ſtatute what-
ſoever were provided, authorized or enacted with regard to the
bills by this act to be cancelled.

Act not to
diſſolve the
contract for
circulating
Exchequer
bills.

IV. Provided, That nothing in this act contained ſhall ex-
tend, or be conſtrued to extend, to diſſolve the preſent contract
made between the lords commiſſioners of his Majeſty's treaſury,
and the ſubſcribers for circulating Exchequer bills, and that the
ſame ſhall remain and be in force to oblige the preſent truſtees
for circulating Exchequer bills, and the preſent ſubſcribers for
advancing of money to circulate the ſame, to change ſuch new
bills as ſhall be made out by virtue of this act, as far as they
would have been obliged to have changed the old bills, if this
act

act had never been made; any thing herein contained to the contrary in any wise notwithstanding.

C A P. II.

An act for the further limitation of the crown, and better securing the rights and liberties of the subject.

WHEREAS in the first year of the reign of your Majesty, and of our late most gracious sovereign lady Queen Mary (of ^{1 W & M. II.} blessed memory) an act of parliament was made, intituled, An act ^{2. c. 2.} for declaring the rights and liberties of the subject, and for settling the succession of the crown, wherein it was (amongst other things) enacted, established, and declared, That the crown and regal government of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, should be and continue to your Majesty and the said late Queen, during the joint lives of your Majesty and the said Queen, and to the survivor: and that after the decease of your Majesty and of the said Queen, the said crown and regal government should be and remain to the heirs of the body of the said late Queen; and for default of such issue, to her royal highness the princess Anne of Denmark, and the heirs of her body: and for default of such issue, to the heirs of the body of your Majesty. And it was thereby further enacted, That all and every person and persons that then were, or afterwards should be reconciled to, or should hold communion with the see or church of Rome, or should profess the popish religion, or marry a papist, should be excluded, and are by that act made for ever incapable to inherit, possess, or enjoy the crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same: and in all and every such case and cases the people of these realms shall be and are thereby absolved of their allegiance: and that the said crown and government shall from time to time descend to and be enjoyed by such person or persons, being protestants, as should have inherited and enjoyed the same, in case the said person or persons, so reconciled, holding communion, professing or marrying, as aforesaid, were naturally dead. After the making of which statute, and the settlement therein contained, your Majesty's good subjects, who were restored to the full and free possession and enjoyment of their religion, rights and liberties, by the providence of God giving success to your Majesty's just undertakings and unwearied endeavours for that purpose, had no greater temporal felicity to hope or wish for, than to see a royal progeny descending from your Majesty, to whom (under God) they owe their tranquillity, and whose ancestors have for many years been principal assertors of the reformed religion and the liberties of Europe, and from our said most gracious sovereign Lady, whose memory will always be precious to the subjects of these realms: and it having since pleased Almighty God to take away our said sovereign Lady, and also the most hopeful prince William duke of Gloucester (the only surviving issue of her royal highness the princess Anne of Denmark) to the unspeakable grief and sorrow of your Majesty and your said good subjects,

who under such losses being sensibly put in mind, that it *standeth* wholly in the pleasure of Almighty God to prolong the lives of your Majesty and of her royal Highness, and to grant to your Majesty, and to her royal Highness, such issue as may be inheritable to the crown and regal government aforesaid, by the respective limitations in the said recited act contained, do constantly implore the divine mercy for those blessings: and your Majesty's said subjects having daily experience of your royal care and concern for the present and future welfare of these kingdoms, and particularly recommending from your throne a further provision to be made for the succession of the crown in the protestant line, for the happiness of the nation, and the security of our religion; and it being absolutely necessary for the safety, peace, and quiet of this realm, to obviate all doubts and contentions in the same, by reason of any pretended title to the crown, and to maintain a certainty in the succession thereof, to which your subjects may safely have recourse for their protection, in case the limitations in the said recited act should determine: therefore for a further provision of the succession of the crown in the protestant line, we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, do beseech your Majesty that it may be enacted and declared, and be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the most excellent princess *Sophia*, electress and dutchess dowager of *Hanover*, daughter of the most excellent princess *Elizabeth*, late Queen of *Bohemia*, daughter of our late sovereign lord King *James the First*, of happy memory, be and is hereby declared to be the next in succession, in the protestant line, to the imperial crown and dignity of the said realms of *England*, *France*, and *Ireland*, with the dominions and territories thereunto belonging, after his Majesty, and the princess *Anne* of *Denmark*, and in default of issue of the said princess *Anne*, and of his Majesty respectively: and that from and after the deceases of his said Majesty, our now sovereign lord, and of her royal highness the princess *Anne* of *Denmark*, and for default of issue of the said princess *Anne*, and of his Majesty respectively, the crown and regal government of the said kingdoms of *England*, *France*, and *Ireland*, and of the dominions thereunto belonging, with the royal state and dignity of the said realms, and all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities, to the same belonging and appertaining, shall be, remain, and continue to the said most excellent princess *Sophia*, and the heirs of her body, being protestants: and thereunto the said lords spiritual and temporal, and commons, shall and will, in the name of all the people of this realm, most humbly and faithfully submit themselves, their heirs and posterities; and do faithfully promise, That after the deceases of his Majesty, and her royal highness, and the failure of the heirs of their respective bodies, to stand to, maintain, and defend the said princess *Sophia*, and the heirs of

Princess Sophia declared next successor to the crown,

after the King and princess Anne of Denmark and their issue, &c.

and to the heirs of her body, being protestants.

of her body, being protestants, according to the limitation and succession of the crown in this act specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt any thing to the contrary.

II. Provided always, and it is hereby enacted, That all and every person and persons, who shall or may take or inherit the said crown, by virtue of the limitation of this present act, and is, are or shall be reconciled to, or shall hold communion with, the see or church of *Rome*, or shall profess the popish religion, or shall marry a papist, shall be subject to such incapacities, as in such case or cases are by the said recited act provided, enacted, and established; and that every King and Queen of this realm, who shall come to and succeed in the imperial crown of this kingdom, by virtue of this act, shall have the coronation oath administered to him, her or them, at their respective coronations, according to the act of parliament made in the first year of the reign of his Majesty, and the said late Queen *Mary*, intituled, *An act for establishing the coronation oath*, and shall make, subscribe, and repeat the declaration in the act first above recited mentioned or referred to, in the manner and form thereby prescribed.

Papist, &c. incapacitated from inheriting the crown.

King and Queen to take the coronation oath,

1 W. & M. II. c. 6. and subscribe the declaration.

III. And whereas it is requisite and necessary that some further provision be made for securing our religion, laws and liberties, from and after the death of his Majesty and the princess *Anne* of Denmark, and in default of issue of the body of the said princess, and of his Majesty respectively; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same,

Conditions for securing the religion, laws, &c. in default of issue of the princess *Anne* and the King.

THAT whosoever shall hereafter come to the possession of this crown, shall join in communion with the church of England, as by law established.

That in case the crown and imperial dignity of this realm shall hereafter come to any person, not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the crown of England, without the consent of parliament.

That no person who shall hereafter come to the possession of this crown, shall go out of the dominions of England, Scotland, or Ireland, without consent of parliament.

Repealed by 1 Geo. 1. stat. 2. c. 51.

That from and after the time that the further limitation by this act shall take effect, all matters and things relating to the well governing of this kingdom, which are properly cognizable in the privy council by the laws and customs of this realm, shall be transacted there, and all resolutions taken thereupon shall be signed by such of the privy counsel as shall advise and consent to the same.

Repealed by 4 Annæ, c. 8. f. 24. Repealed by 1 Geo. 1. stat. 2. c. 51.

That after the said limitation shall take effect as aforesaid, no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized or made a denizen,

This clause extends not to persons naturalized at or be-

fore the accep-
tion of King
Geo. 1. to the
crown.

denizen, except such as are born of English parents) shall be capable to be of the privy council, or a member of either house of parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements or hereditaments from the crown, to himself or to any other or others in trust for him.

4 Ann. c. 8,
6 Ann. c. 7,
7 Geo. 1. c. 56.

That no person who has an office or place of profit under the King, or receives a pension from the crown, shall be capable of serving as a member of the house of commons.

That after the said limitation shall take effect as aforesaid, judges commissions be made quamdiu se bene gesserint, and their salaries ascertained and established; but upon the address of both houses of parliament it may be lawful to remove them.

That no pardon under the great seal of England be pleadable to an impeachment by the commons in parliament.

All laws for
securing the
established re-
ligion, &c.
confirmed.

IV. And whereas the laws of England are the birth-right of the people thereof, and all the Kings and Queens, who shall ascend the throne of this realm, ought to administer the government of the same according to the said laws, and all their officers and ministers ought to serve them respectively according to the same: the said lords spiritual and temporal, and commons, do therefore further humbly pray, That all the laws and statutes of this realm for securing the established religion, and the rights and liberties of the people thereof, and all other laws and statutes of the same now in force, may be ratified and confirmed, and the same are by his Majesty, by and with the advice and consent of the said lords spiritual and temporal, and commons, and by authority of the same, ratified and confirmed accordingly.

C A P. III.

An act for preventing any inconveniencies that may happen by privilege of parliament.

3 Geo. 2. c. 24.

FOR the preventing all delays the King or his subjects may receive in any of his courts of law or equity, and for their ease in the recovery of their rights and titles to any lands, tenements or hereditaments, and their debts or other dues, for which they have cause of suit or action; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the four and twentieth day of June, one thousand seven hundred and one, any person and persons shall and may commence and prosecute any action or suit in any of his Majesty's courts of record at Westminster, or high court of Chancery, or court of Exchequer, or the duchy court of Lancaster, or in the court of admiralty, and in all causes matrimonial and testamentary in the court of the arches, the prerogative courts of Canterbury and York, and the delegates, and all courts of appeal, against any peer of this realm, or lord of parliament, or against any of the knights, citizens and burgesses of the house

Action may be
commenced
against peer or
member of
parliament,
&c. in the in-
terval of par-
liament, &c.

of

of commons for the time being, or against their or any of their menial or other servants, or any other person intituled to the privilege of parliament, at any time from and immediately after the dissolution or prorogation of any parliament, until a new parliament shall meet, or the same be re-assembled and from and immediately after any adjournment of both houses of parliament for above the space of fourteen days, until both houses shall meet or re-assemble; and that the said respective courts shall and may, after such dissolution, prorogation, or adjournment as aforesaid, proceed to give judgment, and to make final orders, decrees and sentences, and award execution thereupon, any privilege of parliament to the contrary notwithstanding.

II. Provided nevertheless, That this act shall not extend to subject the person of any of the knights, citizens and burgesses of the house of commons, or any other person intituled to the privilege of parliament, to be arrested during the time of privilege: nevertheless, if any person or persons, having cause of action or complaint against any peer of this realm, or lord of parliament, such person or persons, after any dissolution, prorogation or adjournment as aforesaid, or before any sessions of parliament, or meeting of both houses as aforesaid, shall and may have such process out of his Majesty's courts of *King's Bench*, *Common Pleas*, and *Exchequer*, against such peer or lord of parliament, as he or they might have had against him out of the time of privilege; and if any person or persons, having cause of action against any of the said knights, citizens or burgesses, or any other person intituled to privilege of parliament, after any dissolution, prorogation, or such adjournment as aforesaid, or before any sessions of parliament, or meeting of both houses as aforesaid, such person or persons shall and may prosecute such knight, citizen or burgess, or other person intituled to the privilege of parliament, in his Majesty's courts of *King's Bench*, *Common Pleas*, or *Exchequer*, by summons and distress infinite, or by original bill, and summons, attachment, and distress infinite thereupon to be issued out of any of the said courts of record, which the said respective courts are hereby empowered to issue against them, or any of them, until he or they shall enter a common appearance, or file common bail to the plaintiff's action, according to the course of each respective court; and any person or persons, having cause of suit or complaint, may, in the times aforesaid, exhibit any bill or complaint against any peer of this realm, or lord of parliament, or against any of the said knights, citizens or burgesses, or other person intituled to the privilege of parliament, in the high court of *Chancery*, court of *Exchequer*, or duchy court of *Lancaster*, and may proceed thereupon by letter or *Sub pœna* as is usual, and upon leaving a copy of the bill with the defendant, or at his house or lodging, or last place of abode, may proceed thereon; and for want of an appearance or answer, or for non-performance of any order or degree, or breach thereof, may sequester

and after prorogation, &c. Court may give judgment.

Person may have process against peer, &c. after dissolution of parliament,

and may exhibit bill against any peer or member, &c.

and sequester the party's estate, but not arrest his body.

quester the real and personal estate of the party, as is used practised where the defendant is a peer of this realm, but ~~that~~ not arrest or imprison the body of any of the said knights, citizens and burgeses, or other privileged person, during the continuance of privilege of parliament.

Plaintiff prevented from prosecution by privilege of parliament, not to be barred by any statute of limitation, &c.

III. And be it enacted by the authority aforesaid, That where any plaintiff shall, by reason or occasion of privilege of parliament, be stayed or prevented from prosecuting any ~~suit~~ by him commenced, such plaintiff shall not be barred by any statute of limitation, or nonsuited, dismissed, or his suit discontinued, for want of prosecution of the suit by him begun, but shall from time to time, upon the rising of the parliament, be at liberty to proceed to judgment and execution.

No action, &c. against the King's immediate debtor, &c.

IV. And it is hereby enacted, That no action, suit, process, order, judgment, decree or proceeding in law or equity against the King's original and immediate debtor, for the recovery or obtaining of any debt or duty originally and immediately due or payable unto his Majesty, his heirs or successors, or against any accountant, or person answerable or liable to render any account unto his Majesty, his heirs or successors, for any part or branch of any of his or their revenues, or other original or immediate debt or duty, or the execution of any such process, order, judgment, decree or proceedings, shall be impeached, stayed or delayed, by or under the colour or pretence of any privilege of parliament; yet so nevertheless, that the person or persons of any such debtor or accountant, or person answerable or liable to account, being a peer of this realm or lord of parliament, shall not be liable to be arrested or imprisoned by or upon any such suit, order, judgment, decree, process or proceedings, or being a member of the house of commons, shall not, during the continuance of the privilege of parliament, be arrested or imprisoned, by or upon any such order, judgment, decree, process or proceedings.

shall be stayed by privilege of parliament, but person not liable to be arrested, &c.

Proviso.

V. Provided nevertheless, That neither this act, nor any thing therein contained, shall extend to give any jurisdiction, power, or authority, to any court, to hold plea in any real or mixt action, in any other manner than such court might have done before the making this act.

C A P. IV.

An act for appointing wardens and assay masters for assaying wrought plate in the cities of York, Exeter, Bristol, Chester, and Norwich.

WHEREAS the goldsmiths, silversmiths, and plateworkers of this kingdom, remote from the city of London, are under great difficulties and hardships in the exercise of their trades, for want of assayers in convenient places to assay and touch their wrought plate: for remedy whereof, and for preventing all frauds and corruptions therein, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and

Cities appointed for assaying, &c. wrought plate.

and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several cities within this kingdom, where the mints were lately erected for recoining the silver money of this kingdom (*viz.*) *York, Exeter, Bristol, Chester, and Norwich*, shall be, and are hereby appointed for the assaying and marking of wrought plate, and for executing the powers, authorities, and directions given by this act.

By 1 Annæ, stat. 1. c. 9. f. 3. *Newcastle on Tyne hath the like power.*

II. Be it enacted by the authority aforesaid, That in every of the cities aforesaid, the goldsmiths, silversmiths, and plate-workers, who are or shall be freemen of, or inhabiting within, any of the said cities, and having served an apprenticeship to the said trade of a goldsmith, silversmith, or plateworker, shall be, and are hereby respectively incorporated a company of or belonging to such city, and shall be called and known by the name of *The company of goldsmiths* of such city respectively: which company of such city shall be enabled, and are hereby authorized, annually to choose two persons to be the wardens of the said company in each of the said cities respectively: which said wardens shall continue for the space of one year, and no longer, unless re-elected by the said company: and if any of the said wardens so chosen, as aforesaid, shall happen to die or remove out of such city, then the said company shall, within one month after such death or removal, choose another person of their company to be warden in his room, and such person so chosen, shall, and is hereby authorized and required to act accordingly.

Goldsmiths, &c. in the said cities incorporated a company,

and shall choose wardens annually.

III. And be it further enacted by the authority aforesaid, That no goldsmith, silversmith, or plateworker in any of the said cities, shall work or make, or cause to be wrought or made, any silver vessel, plate, or manufacture of silver, less in fineness than according to the standard of this kingdom, which for the time being is or shall be appointed by law for wrought plate, nor shall put to sale, exchange, or sell any plate or manufacture of silver made after the nine and twentieth day of *September*, one thousand seven hundred and one, until such time as such plate or manufactured silver shall be marked as followeth, *viz.* with the worker's mark, to be expressed with the two first letters of his surname, to denote the maker thereof, and also with the lion's head erased, and the figure of a woman commonly called *Britannia*, and with the arms of such of the cities aforesaid, wherein such plate shall be assayed and marked, to denote the goodness thereof, and the place where the same was assayed and marked, and also with a distinct variable mark or letter in Roman character; which mark or letter shall be annually changed upon the election of new wardens for each respective company, to denote the year in which such plate is made; upon pain that all such silver vessels, plate, or other manufactured silver (except such things as by reason of their smallness are not capable of receiving a touch) which shall be made, exposed to sale, or exchanged, contrary to this act, shall

No goldsmith, &c. to make plate less in fineness than standard, nor shall sell any until marked, &c.
12 Geo. 2. c. 26.

Penalty.
Exception.

shall be forfeited, or the value thereof, one moiety thereof to the King's majesty, his heirs and successors, and the other moiety thereof to such person or persons as will sue for the same to be recovered by action of debt, bill, suit, or information, in any court of record in any county or place wherein such offence shall be committed, and wherein no essoin, protection, wage of law, or any more than one imparlance shall be allowed.

An assayer to be elected in each city, and allowed 8 grains per pound Troy of silver.

IV. And be it further enacted by the authority aforesaid That there shall be an able and skilful man, experienced in assaying of gold and silver, elected by the said company of goldsmiths in each of the said cities respectively, for whom it shall and may be lawful to detain eight grains only from every pound Troy of silver he shall assay, four grains whereof shall be put into the box of diet, and the other four grains shall be allowed him towards his waste and spillings in making the said assays; and who immediately after his election, shall take the oath following, viz.

Assayer's oath.

I A. B. do swear, That I will be faithful and true to our sovereign lord King William, and will so long as I shall continue an assayer, well and faithfully behave myself in the said office, and no undue profit to myself take, to the hurting or hindrance of any person that is owner or bringer in of any gold or silver in plate to be assayed, except of plate wrought only four grains of every pound weight, to be taken and put into the box of diet, and other four grains to be taken likewise of every pound weight of plate wrought (and not otherwise) towards my waste and spillings in making the said assays; and that I will touch no gold nor silver, but what shall be of the goodness of, and according to the standard of this kingdom, which for the time being is or shall be appointed by law for wrought plate; and all such gold or silver as shall be brought to me to be touched, I will truly set down in writing, and the same at all times, as I shall be required, will duly and truly deliver again (except eight grains, as aforesaid) and will true accounts make thereof, when thereunto required by the wardens of the companies wherein I am chosen assayer; and that I will no assays make of things new wrought before they be marked with the mark of the maker or owners thereof; and that I will not put into the aforesaid box any silver, but that silver which I shall have scraped and taken from the plate which I shall assay and pass for standard.

So help me God.

Mayor to administer the oath.
Diet box to be locked with three locks.

V. Which oath the mayor in the respective cities aforesaid is hereby required and impowered to administer to such assayer.

VI. And it is hereby further enacted, That the box or boxes wherein the diet of all such plate as shall be tried by the assayers aforesaid, is put, shall be locked up with three different locks, and the respective keys thereof shall be kept by the wardens and assayers of such respective company, by whom such assayers shall be elected and chosen: which box or boxes shall be at the charge of each respective company, conveyed annually (if required

quired by the lord chancellor or keeper of the great seal of *England* for the time being) to his Majesty's royal mint at the tower of *London*; and the said diet therein contained shall be tried as the pix of the coin of this kingdom is tried; and if in any of the said diets there shall be found any falshood or deceit, then every such company, for every such offence, shall forfeit the sum of fifty pounds, to be recovered, in manner as aforesaid, against such company, or any member thereof in his private capacity, and to be disposed of, as aforesaid: and if any plate shall be touched, allowed, or marked, for good, by any of the assayers of the respective places aforesaid, and if in the same there shall be found any deceit, then such assayer, who so marked the same, shall forfeit double the value of the plate so marked, to be recovered and disposed as aforesaid.

Box may be annually conveyed to the mint in the tower, &c. Penalty on company. Penalty on assayer.

VII. And be it further enacted by the authority aforesaid, That on or before the nine and twentieth day of *September*, one thousand seven hundred and one, every goldsmith, silversmith, or plateworker, inhabiting in any of the cities aforesaid, or in any other town or place within this kingdom, where an assayer is not, or shall not be appointed, and also every person who at any time after the said nine and twentieth day of *September*, shall be a goldsmith, silversmith, or plateworker, and shall inhabit in any of the cities aforesaid, or in any other town or place within this kingdom, where an assayer is not, or shall not be appointed, before he takes upon him to exercise any of the said trades, shall enter his name and his mark, and place of abode, with the wardens of such company of that city or place where an assayer is or shall be appointed; which shall be done by the said wardens, upon demand, without fee or reward; and if any such goldsmith, silversmith, or plateworker, shall not enter his name, and mark, and place of abode, as aforesaid, or shall strike any other mark on plate, but what is so entred, such goldsmith, silversmith, or plateworker, so offending, shall forfeit double the value of the plate so marked, to be recovered and disposed as aforesaid.

Goldsmith, &c. of any city where no assayer is appointed shall enter his name, &c. with the wardens of the company of such city where an assayer is appointed. Penalty on goldsmith, &c.

VIII. And be it further enacted, That if any person shall counterfeit any of the stamps appointed by this act to be used by the said wardens or assayers for marking wrought plate, or any of the stamps used by the wardens of the company of goldsmiths of the city of *London*, such person shall for every such offence forfeit the sum of five hundred pounds, to be recovered and disposed as aforesaid.

Penalty on person counterfeiting stamps. Repealed, and 100 l. wth 2 s. d by 12 Geo. 2. c. 26.

IX. And whereas it is not the intent and meaning of this act to hinder any goldsmith, silversmith, or plateworker, not inhabiting within any of the cities aforesaid, from exercising his or their trade of goldsmith, silversmith, or plateworker; yet for preventing of abuse and corruption therein, it is hereby further enacted, That all and every goldsmith, silversmith, and plateworker, inhabiting in any town or place, where an assayer is not or shall not be appointed, elected, or chosen, shall first fix his or their mark upon all his and their plate which shall be made from and after

Goldsmith, &c. shall first fix his own mark on all his plate, &c. and then send

the

it to be assayed, &c.

If standard, assayers to mark the same, and have 6 d. per pound Troy.

Penalty on goldsmith, &c.

the said nine and twentieth day of *September* (except such things as by reason of their smallness are not capable of receiving a touch) and shall then bring or send the same to some city or place where an assayer is or shall be appointed, elected, or chosen, and the same shall be there assayed according to this act; and if by the said assayer it shall be found to be of the fineness of the standard, which for the time being is or shall be by law appointed for wrought plate, then the same shall be marked by the said assayer, as he is by this act required to mark the plate of the respective company by which he shall have been chosen an assayer; and shall be allowed, satisfied, and paid towards his charge and trouble in making such assays, by the owners, bringer or bringers of such plate so assayed, a sum not exceeding six pence for every pound *Troy*, and so proportionably for every greater or lesser quantity of plate so assayed and marked; and if any such goldsmith, silversmith, or plateworker shall work or make, or cause to be wrought or made any silver vessel, plate, or manufacture of silver less in fineness than according to the standard, which for the time being is or shall be by law appointed for wrought plate, or shall put to sale, exchange, or sell any silver vessel, plate, or manufacture of silver, made after the said nine and twentieth day of *September* (unless it be such things as in respect of their smallness are not capable of receiving a touch) before such vessel, plate, or manufacture of silver shall be assayed and marked, as aforesaid, every such goldsmith, silversmith, and plateworker, so offending, shall forfeit the said plate, or the value thereof, to be recovered and disposed as aforesaid.

CAP. V.

An act for continuing a former act to prevent false and double returns of members to serve in parliament.

7 W. 3. c. 7.

WHEREAS in the first session of the parliament, begun the two and twentieth day of November, in the seventh year of his present Majesty's reign, an act was made, intituled, An act to prevent false and double returns of members to serve in parliament, which is thereby enacted to continue for the term of seven years, and from thence to the end of the next session of parliament, and no longer; which said act has been found by experience to be very useful for the preservation of the rights of the several counties, cities, and boroughs of this kingdom, in the election of members to serve in parliament; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said act, and every clause therein contained, shall hereafter remain and be in full force, and is hereby continued, for and during the term and space of eleven years, and from thence to the end of the first session of the next parliament, and no longer.

Continued for 11 years.

CAP.

CAP. VI.

An act for continuing the acts therein mentioned, for preventing theft and rapine upon the northern borders of England.

WHEREAS in the session of parliament, holden in the thirteenth ^{13 & 14 Car. 2.} and fourteenth years of the reign of our late sovereign King Charles the Second, An act was made, intituled, An act for preventing of theft and rapine upon the northern borders of England, which was thereby to continue in force for and during the term of five years: and ^{c. 22.} whereas another act was made in the eighteenth year of the said late King, intituled, An act to continue a former act, to prevent theft and rapine upon the northern borders of England; both which acts were revived and continued by another act, made in the twenty ninth and thirtieth years of the reign of the said late King, intituled, An ^{18 Car. 2. c. 1.} act for continuing of two former acts for preventing of theft and rapine upon the northern borders of England, for and during the space and term of seven years, and also from thence until the end of the first session of the then next parliament; which three aforementioned acts were continued by an act made in the first year of the late King James the Second, for and during the space and term of eleven years, and also from thence until the end of the first session of the then next parliament; and were further continued by another act made in the seventh and eighth years of his present Majesty's reign, for and ^{29 & 30 Car. 2. c. 2.} during the space and term of five years, and from thence to the end of the first session of the next parliament; which laws have been found necessary for the preservation of those places from that great number of lewd, disorderly and lawless persons, that usually frequent and infested those parts, and are now near expiring: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That the said acts, and all and every of them, and all ^{1 Jac. 2. c. 14.} and every matter, clause and clauses therein contained, and all ^{7 & 8 W. 3. c. 17.} and every the powers and authorities thereby given, be and continue, and are hereby continued in full force, from and after the expiration of the last mentioned act, for and during the space and term of eleven years, and from thence to the end of the first session of the next parliament, and no longer.

II. Provided always, and be it enacted by the authority a- ^{and deemed} fore said, That the said acts shall be accepted, taken and re- ^{publick acts.} puted to be general and publick acts of parliament, of which all ^{10 Geo. 1. c. 17.} and every the judge and judges of this kingdom in all courts shall take notice on all occasions whatsoever, as if they were publick acts of parliament relating to the whole kingdom; any thing therein contained to the contrary thereof in any wise notwithstanding.

CAP.

C A P. VII.

An act for the better settling and preserving the library kept in the house at Westminster, called Cotton House, in the name and family of the Cottons, for the benefit of the publick.

WHEREAS Sir Robert Cotton, late of Connington, in the county of Huntington, baronet, did at his own great charge and expence, and by the assistance of the most learned antiquaries of his time, collect and purchase the most useful manuscripts, written books, papers, parchments, records, and other memorials in most languages, of great use and service for the knowledge and preservation of our constitution both in church and state; which manuscripts and other writings were procured, as well from parts beyond the seas, as from several private collectors of such antiquities within this realm, and are generally esteemed the best collection of its kind now any where extant: and whereas the said library has been preserved with the utmost care and diligence by the late Sir Thomas Cotton, son of the said Sir Robert, and by Sir John Cotton of Westminster now living, grandson of the said Sir Robert, and has been very much augmented and enlarged by them, and lodged in a very proper place in the said Sir John's ancient mansion house at Westminster, which is very convenient for that purpose: and whereas the said Sir John Cotton, in pursuance of the desire and intentions of his said father and grandfather, is content and willing that the said mansion house and library should continue in his family and name, and not be sold, or otherwise disposed or imbezelled, and that the said library should be kept and preserved by the name of 'The Cottonian Library, for publick use and advantage: now for the better settling and assuring the same, according to the desire of the said Sir John Cotton, and at his request; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same, That from and immediately after the death of the said Sir John Cotton, the said mansion house, with the gardens, and all other appurtenances, and also all the said library or collection of manuscripts, written books, papers, parchments, records, and other memorials, all which are particularly mentioned and named in a schedule now remaining in the said library, together with all coins, medals, and other rarities and curiosities in the said library now remaining, be settled, limited, and vested in the trustees hereafter named, to have, hold and enjoy to them and their successors for ever, to the uses, intents and purposes following (that is to say) as for the said house, gardens and appurtenances, other than the room where the said library now is, or hereafter may be lodged, and a convenient way, passage and resort to the same, at the will and discretion of the heirs of the family, and the library hereafter mentioned, to the only proper use and behoof of John Cotton esquire, of Connington, grandson and heir

To be called the Cottonian library,

and after Sir John Cotton's death, the said mansion house, library, &c.

shall be vested in trustees, to the uses following,

heir of the said Sir *John Cotton*, and after his decease, to the *John Cotton*
 first and every son and sons of the body of the said *John Cotton*, esquire, of
 to be begotten, and the heirs males of the body of such son or *Connington* ;
 sons issuing successively ; and for default of such issue, to the
 use of *Thomas Cotton*, brother of the said *John Cotton*, for the *Thomas Cot-*
 term of his natural life ; and after his decease, to the first and *ton* ;
 every son and sons of the body of the said *Thomas* to be begotten
 successively, and to the heirs males of such son or sons ; and
 for default of issue, to *Robert Cotton* of *Giddin* in the county of *Robert Cotton*
Huntington esquire, son of the said Sir *John Cotton*, for the term of *of Giddin* ;
 of his natural life, and after his decease to *John Cotton*, son of *John Cotton*,
 of the said *Robert Cotton*, for his natural life ; and after his de-
 cease, to the first and every son and sons of the said *John* to be
 begotten successively, and the heirs males of their bodies issu-
 ing ; and for default of such issue to all and every the other son
 and sons of the said body of the said *Robert* to be begotten, and
 the heirs males of such son or sons successively ; and for default
 of such issue to Sir *Robert Cotton* of *Hattley Saint George* in the *Sir Robert*
 county of *Cambridge*, knight, for his natural life ; and after his *Cotton* ;
 decease, to the first and every son or sons of his body to be be-
 gotten, and the heirs males of such son or sons issuing succes-
 sively ; and for default of such issue, to *Philip Cotton* of *Con-* *Philip Cotton* ;
nington in the county of *Cambridge*, esquire, for his natural life ;
 and after his decease, to the first and every son or sons of his
 body to be begotten, and the heirs males of such son or sons
 issuing successively ; and for default of such issue, to *Thomas* *Thomas Cot-*
Cotton of *Cotton* in the county palatine of *Chester*, esquire, for *ton of Cotton* ;
 the term of his natural life ; and after his decease, to the first and
 every the son and sons of his body to be begotten, and the heirs
 males of such son or sons issuing successively ; and for default of
 such issue, to the right heirs of *John Cotton*, grandson and heir
 of the said Sir *John Cotton*, for ever : and as for and concern-
 ing the said library, and the room wherein the same is or shall
 be contained, together with a convenient passage for resorting
 thereunto, upon this trust and confidence, that the said trustees
 and their successors shall and will from time to time, and at all
 times hereafter, as occasion shall require, inspect, consult, and
 take care of the said library, and other particulars abovement-
 ioned, and also make and appoint such orders and rules as
 they shall think proper, for the reading and using the same,
 and for their better preservation, and to the intent and purpose
 that the said trustees, or the major part of them, shall nomi-
 nate and appoint a good and sufficient person, well read in an-
 tiquities and records, to have the immediate care and custody
 of the said library ; which person so nominated shall, before he
 takes upon him the said custody and employment, give security
 to the value of five hundred pounds by recognizance, with suf-
 ficient sureties, that none of the manuscripts, written books,
 papers, parchments, records, or other memorials, whose names
 and titles are in the said schedule, shall be lost, or otherwise
 imbezelled ; and shall also, before he take upon him the said
 custody

trustees to in-
 spect and take
 care of the said
 library, &c.

and appoint a
 library keeper,

who shall give
 security,

and take the following oath. custody and employment, take the oath following before the lord chancellor, or lord keeper of the great seal of England for the time being, in open court, who is hereby impowered and required to administer the same, viz.

I A. B. do swear, That I shall and will, during my continuance in the employment of keeper of the Cottonian library, use my utmost care and endeavour for the preserving of the same; and will not willingly or wittingly permit or suffer the same, or any of the said books, papers, parchments, records, or other particulars contained in the said library, to be given away, aliened, disposed, or otherwise embezzled.

So help me God.

House and library, &c. not subject to judgments, &c. II. And it is hereby further enacted, That the said house with the appurtenances, and the library, and other particulars aforesaid, shall never be subject or liable to any judgments, statutes, recognizances, or any other incumbrances, nor shall ever be sold or aliened, forfeited or forfeitable, upon any account or pretence whatsoever: and further, That the lord chancellor, or

Trustees.

lord keeper for the time being, the honourable *Robert Harley* esquire, speaker of the house of commons, and the honourable the speaker of the house of commons for the time being, the lord chief justice of the *King's Bench* for the time being, *Sir Robert Cotton* of *Hatley Saint George*, in the county of *Cambridge* knight, *Philip Cotton* of *Connington* in the said county esquire, *Robert Cotton* of *Giddin* in the county of *Huntington* esquire, and *William Hanbury* of the *Inner Temple London* esquire; shall be the trustees to and for the purposes aforesaid; and in case of the decease of any of the said last recited four persons, the said *John Cotton*, or other heir male of the said family, who shall be in possession, or intitled to the possession of the mansion house by the limitations above recited, shall nominate and appoint one or more fit persons to succeed him or them, and supply the place of him or them so dying.

Bargains, &c. of any manuscript, &c. in the said library made void.

III. And be it further enacted by the authority aforesaid, for the better securing and preserving the said library, That all bargains, sales, gifts, grants, devises, or other alienation whatsoever, of any of the manuscripts, parchments, written papers, records, or other memorials in the schedule now remaining in the said library, and also of all coins, medals, and other rarities in the said library contained, are hereby declared to be absolutely void and of none effect: and further, That within six months after any library keeper shall undertake the said office, he shall cause another schedule to be made in parchment, which shall contain not only the names and titles of all the said manuscripts, parchments, written papers, records, and other memorials, but also the number of the pages and folio's thereunto belonging, and cause the same to be inrolled in the high court of *Chancery*, as also the names of all such coins, medals, and other rarities as he shall find contained in the said library; which said inroll-

Library keeper to make a new schedule of the manuscripts, &c.

and inroll the same in chancery, without fee.

ments so to be made, shall be taken and received in the said court without any fee or reward for the same.

IV. Saving nevertheless to his Majesty, and all bodies politic and corporate, their heirs and successors, and all and every other person and persons, their heirs, executors and administrators (other than the said Sir *John Cotton*, *John Cotton* the grandson, and *John Cotton*, and all claiming from, by or under them, or either of them) all such right, title, and interest, as they or any of them might have or claim, if this act had never been made; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Saving the King's right, &c.
5 Ann. c. 30.

CAP. VIII.

An act for raising the militia for one year, although the month's pay formerly advanced be not repaid. EXP.

CAP. IX.

An act for the recovering, securing, and keeping in repair the harbour of Minehead, for the benefit and support of the navigation and trade of this kingdom.

Duties to be paid for wool, &c. exported or imported into the port of Minehead. For wool a halfpenny per stone, and for woollen and bay yarn one penny per stone. Stone to contain 18 l. All other goods 6 d. f. 1. per tun. Ship, &c. drove into Minehead by stress of weather, to pay tunnage and keelage, viz. Coasting ship, &c. of 30 tuns 1 s. of 50 tuns 2 s. of 30 tuns, &c. trading to Ireland, &c. 2 s. 6 d. of 50 tuns trading, &c. 5 s. Trustees appointed. In case of death, &c. surviving trustees may elect new ones. Trustees may make orders, direct the disposing of the duties, &c. and appoint collectors, &c. No entry, &c. to be taken until duty hereby granted be paid, &c. Person authorized may go on board any ship, &c. demand the duties, and on nonpayment distrain, &c. Twelve pence per pound allowed for collecting. Collector to enter in a book all receipts and disbursements, &c. to be stated yearly, and delivered to the trustees on oath. Trustees may convey the duties as a security for monies to be borrowed, &c. Lord of the manor of Minehead to appoint a water bailiff, who is to be sworn. Duties to be paid to the lord of the manor after expiration of the term. Act not to take away the ancient rights of the lord of the manor. An account of all expences, &c. disbursed by the mayor, &c. of Bridgewater, the additional duty, &c. received on goods, &c. shall be entered in a book, &c. Collector at the quarter sessions for the county of Somerset, yearly, shall bring in the said book, &c. Justices to survey the accounts, &c. and examine upon oath. When Bridgewater Key shall be repaired, &c. additional duty to cease. Power given to undertaker for repairing Birdlip highways, &c. to Gloucester, vested in justices of peace, &c. Monies received to be paid to the justices or order. Distress on nonpayment. Act not to prejudice any security for money lent. Highways to be repaired within the time limited.

Enlarged by 10 Annæ, c. 24.
11 Geo. 2. c. 2.

CAP. X.

An act for granting an aid to his Majesty for defraying the expence of his navy, guards, and garrisons for one year, and for other necessary occasions. 2 s. in the pound.

LXXXIX.

AND be it enacted by the authority aforesaid, That no member of the house of commons, from and after the dissolution of this present parliament, shall be capable of being a commissioner or farmer of the customs, or of holding or enjoying in his own name, or in the name of any other

After dissolution of this parliament, no member shall be a commissioner, &c. of customs.

other person in trust for him, or for his use or benefit, or of executing by himself or his deputy, any office, place, or employment, touching or concerning the farming, collecting, or managing the customs.

Member executing office in customs, incapable of sitting.

XC. And be it further enacted, That if any member of this house of commons, from and after the dissolution of this present parliament, shall, during the time of his being a member of parliament, by himself or his deputy, or any other in trust for him, or for his benefit, take, enjoy, or execute any office, place, or employment, touching or concerning the farming, managing, or collecting the customs, such person is hereby declared and enacted to be absolutely incapable of sitting, voting, or acting as a member of the house of commons in such parliament.

No officer of the customs to influence any election of members.

XCI. And be it further enacted by the authority aforesaid That from and after the nine and twentieth day of September one thousand seven hundred and one, no commissioner, collector, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying or managing the customs, or any branch or part thereof, shall by word, message, or writing, or in any other manner whatsoever, endeavour to persuade any elector to give, or dissuade any elector from giving his vote for the choice of any person to be a knight of the shire, citizen, burgess, or baron, of any county, city, borough, or cinque port to serve in parliament; and every officer, or other person offending therein, shall forfeit the sum of one hundred pounds; one moiety thereof to the informer, the other moiety to the poor of the parish where such offence shall be committed, to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoin, protection, or wager of law, or more than one imparlance shall be allowed: and every person convicted on any such suit, of the said offence, shall thereby become disabled and incapable of ever bearing or executing any office or place concerning or relating to the customs, or any other office or place of trust whatsoever under his Majesty, his heirs or successors.

Penalty.

1 W. & M.
R. 1. c. 12.

XCIII. And whereas by an act of parliament made in the first year of the reign of King William and Queen Mary, intituled, "An act for the encouraging the exportation of corn, it is enacted, That all persons who should export out of this kingdom, into parts beyond the seas, any of the sorts of grain therein enumerated, when the price of such corn at such places were under the rates therein set, should have paid them by the commissioners, farmers, or collectors of his Majesty's customs of the port from whence such corn was exported, upon a certificate thereof, and proof upon oath, according to the intent of the said act, the sum of five shillings for every quarter of wheat, ground or unground; three shillings and six pence for every quarter of rye, ground or unground; and two shillings and six pence for every quarter of barley or malt, ground or unground: and forasmuch as in many

many ports and places on the coast of this kingdom, where such corn is exported to parts beyond the seas, there is not so much money received by the collectors of the customs arising by the duties chargeable with the monies given for the encouragement of the exportation of corn, as is or may be sufficient to pay or discharge the same, according to the intent of the said act, so that there are great arrears in several ports, whereby the owners of land, and exporters of corn, are under great disadvantages in the sale of their corn in these ports, and cannot have the benefit of the said act, as others in other places have, where such allowance is duly paid, according to the intent thereof: for remedy whereof be it enacted by the authority aforesaid, That if the collector of the customs of any such port shall not have sufficient in his hands to satisfy and pay such sum or sums of money which are or shall be due to any exporter, by virtue of the said act, arising out of the customs and duties out of which it ought to be paid, upon demand, according to the intent of the said act, that then such collector shall give to the person demanding such sum or sums of money (without fee or reward) a certificate under his hand of what is due to such person for the corn exported from such port, certifying to the commissioners of the customs at London, that he hath not monies in his hands sufficient to pay the same; which certificate being affixed to the debenture for the corn so exported, and being produced to the commissioners of his Majesty's customs at London, they the said commissioners are hereby authorized and required, on demand by the person that shall bring the same, to cause the monies thereby due to be paid in three months by the general receiver or cashier of the customs, out of such monies as shall be in his hand, arising out of such customs or duties in the said port of London, as are chargeable with the payment of any money for the exportation of corn, according to the said act, without fee or reward; any law or statute to the contrary notwithstanding.

Allowance on the exportation of corn by 1 W. & M. st. 1. c. 12. how to be paid.

CAP. XI.

An act for granting to his Majesty several duties upon low wines or spirits of the first extraction, and continuing several additional duties upon coffee, tea, chocolate, spices, and pictures, and certain impositions upon hawkers, pedlars, and petty chapmen, and the duty of fifteen per centum upon muslins, and for improving the duties upon japanned and lacquered goods, and for continuing the coinage duty, for the several terms and purposes therein mentioned.

MOST gracious Sovereign, we your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, as a further supply for your Majesty's necessary occasions, have given and granted unto your Majesty the rates and duties herein after mentioned, and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

Continued and made perpetual 3 & 4 Annæ, c. 4. 5 Annæ, c. 19. 1 Geo. I. c. 12. f. 8.

From 24 Mar.
1700. until 25
March, 1706.
Excise to be
paid for low
wines, &c.

in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *March*, the year of our Lord one thousand seven hundred, and until the twenty fifth day of *March*, one thousand seven hundred and six, and no longer, there shall be paid by way of *excise*, to his Majesty, his heirs and successors, for all low wines or spirits of the first extraction, made or drawn by any distiller or other person making or drawing spirits or strong waters for sale or exportation, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, the rates and duties following, over and above the duties payable for spirits perfectly made that is to say,

Every gallon
of low wines
or spirits 4 d.

Low wines, &c.
drawn from
wash, &c. 1 d.
per gallon, or
from brewers
wash 1 d. per
gallon, or from
any other
English mate-
rials three
half pence per
gallon.

Duties to be
collected and
paid accord-
ing to

II. For every gallon of low wines or spirits of the first extraction, made or drawn from any foreign or imported materials, or any mixture therewith, four pence.

III. For every gallon of low wines or spirits of the first extraction, made or drawn only from any sort of drink or wash, brewed or made from any sort of malt or corn, other than and except brewers wash and tilts, one penny.

IV. For every gallon of low wines or spirits of the first extraction, made or drawn from brewers wash or tilts, or any mixture therewith, one penny.

V. For every gallon of low wines or spirits of the first extraction, made or drawn from any other sort or kind of *English* materials, or any mixture therewith, three half-pence.

VI. And be it further enacted by the authority aforesaid, That the several rates and duties hereby imposed on the liquors aforesaid, shall be raised, levied, collected, recovered, and paid unto his Majesty, his heirs and successors, during the time before mentioned, in the same manner and form, and by such rules, ways, means, and methods, and under such penalties and forfeitures as are mentioned, expressed, and directed, in and by one act of parliament made in the twelfth year of the reign of the late King *Charles* the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in Capite and knights service, and purveyance, and for settling a revenue upon his Majesty in lieu thereof*, and in and by one act made in the seventh year of his Majesty's reign, intituled, *An act for laying several duties upon low wines or spirits of the first extraction, and for preventing the frauds and abuses of brewers, distillers, and other persons chargeable with the duties of excise*, or by any other law now in force relating to the revenue of excise, and all and every the powers, authorities, directions, rules, methods, penalties, forfeitures, clauses, matters, and things, which in and by the said acts, and every or any of them, are provided, settled, or established, for the raising, levying, collecting, recovering, adjudging, and ascertaining the duties thereby granted, or any of them (other than and in such cases for which other penalties or provisions are made and prescribed by this act) shall be exercised, practised, applied, used, levied, recovered, and put in execution, for the raising, levying, collecting, recovering, and pay

12 Car. 2. c. 24.

7 W. 3. c. 30.

Powers in the
aforesaid acts
continued,

ing the several rates and duties on low wines, or spirits of the first extraction, hereby imposed, during the continuance of the same, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, forfeitures, clauses, matters, and things were particularly again repeated and enacted in the body of this present act.

VII. And for the encouragement of distillers and others to brew and make spirits and brandies from drink brewed or made from malted corn, and to export the same, as merchandizes, into parts beyond the seas; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any distillers, or others, upon oath made before any two or more of the commissioners of the excise for the time being, or two or more justices of the peace for the county or place from whence any brandy, spirits, or strong waters made from malted corn only, shall be exported (which brandy, spirits, or strong waters, shall have been made, during the time before mentioned) that the same were or was, made and drawn from drink brewed, or made from malted corn, without any mixture with any other materials, and that the same is not mixed with any low wines not drawn a second time, nor with any other brandy or spirits made from any other materials, either native or foreign, and that the duties for the same are paid or duly entered in order to be paid, and that the same, and every part thereof, are exported as merchandise, and are to be sent beyond the seas, to export such spirits and brandies made from drink brewed or made from malted corn only, as aforesaid, and upon certificate under the hands of the officers of excise for the port or place where such spirits or brandies were shipped off, of the quantity so shipped, and that the same was shipped in the presence of such officers, such distillers, or others, so exporting such spirits or brandies, shall be allowed or paid back by the commissioners of excise for the time being, or their collector for the port or place where such spirits and brandies shall be so shipped off, out of the duties on low wines, spirits, and strong waters, and *Aqua vitæ*, for every gallon of such spirits or brandy so shipped off, the sum of three pence.

Distiller on oath exporting brandy, &c. drawn from malted corn, &c.

to be allowed 3d. per gallon on exportation.

VIII. And be it further enacted by the authority aforesaid, That a certain clause in an act made in the second year of the reign of his present Majesty and the late Queen *Mary*, of blessed memory, intituled, *An act for the encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines or spirits of the first extraction*, relating to strong waters, brandies, *Aqua vitæ*, and other exciseable liquors brought from the islands of *Guernsey*, *Jersey*, *Sark* or *Alderney*, and all the charges, duties and penalties, and every article and thing therein contained, shall continue and be of force and virtue during the continuance of this act, in as full and ample manner, to all intents and purposes, as if the said clause was herein word for word repeated and enacted.

Clause in a W. & M. 2. c.9. continued.

B b 4

IX. And

Penalties, &c.
how levied,
&c.

IX. And be it further enacted by the authority aforesaid, That the penalties and forfeitures, hereby imposed for any offence relating to the said duties upon low wines or spirits at first extraction, shall be one moiety to his Majesty, his heirs and successors, and the other moiety to him or them that shall sue for the same; and that the same penalties and forfeitures for any offence relating to the said duties upon low wines or spirits of the first extraction, shall be recovered and levied by the same ways, means and methods, as any fines, penalties and forfeitures, are or may be recovered by any of the laws of England or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection or wager of law, nor any more than one imparlance shall be allowed.

Duties on coffee, &c. and all powers in 6 W. 3. c. 7. & 9 W. 3. c. 14. continued till 1 May, 1706. 5 Ann. c. 7. s. 26.

X. And be it enacted by the authority aforesaid, That all rates, duties, additional duties, impositions, and sums of money whatsoever, granted to his Majesty by the act passed in the sixth year of his Majesty's reign, intituled, *An act for granting to his Majesty several additional duties upon coffee, tea, chocolate and spices towards satisfaction of the debts due for transport service for the redemption of Ireland*, which were thereby charged or imposed upon coffee, cocoa nuts, chocolate, cocoa paste, tea, nutmegs, cinnamon, cloves, mace, pictures, or any other matters or things thereby charged, from the first day of *May*, one thousand six hundred ninety five, until the second day of *May*, one thousand six hundred ninety eight, and which, by an act made in the ninth year of his Majesty's reign, were continued from the first day of *May*, one thousand six hundred ninety eight, until the first day of *May*, one thousand seven hundred and one, shall be continued from the thirtieth of *April*, one thousand seven hundred and one, and be raised, collected, answered and paid unto his Majesty, his heirs and successors, until the first day of *May*, one thousand seven hundred and six; and that the said act of the sixth year of his Majesty's reign, concerning the said coffee and other the enumerated commodities aforesaid, and all the powers, privileges, provisions, penalties, forfeitures, articles and clauses therein contained (and not hereby altered), which were to have continuance until the said first day of *May*, one thousand seven hundred and one, shall continue and be in full force and effect, until the said first day of *May*, one thousand seven hundred and six, and shall be practised and executed for raising, levying, collecting and answering the duties hereby continued, for the uses and purposes in this act expressed, and to no other use, intent or purpose whatsoever.

8 W. 3. c. 25.

9 W. 3. c. 27.

XI. And whereas in the eighth year of his Majesty's reign an act was made for licensing of hawkers and pedlars, which act, and the impositions therein contained, had continuance till the four and twentieth day of *June*, one thousand six hundred ninety eight; and in the ninth year of his Majesty's reign another act was made for licensing of hawkers and pedlars, which act, with the impositions therein mentioned, were to continue from the four and twentieth day of *June*, one thousand

thousand six hundred ninety eight, until the four and twentieth day of June, one thousand seven hundred and one; it is hereby further enacted by the authority aforesaid, That from and after the three and twentieth day of June, one thousand seven hundred and one, until the four and twentieth day of June, which shall be in the year of our Lord one thousand seven hundred and six, the duties, impositions and sums of money to be paid by every hawker, pedlar, petty chapman, and such other trading persons as are described in the said act of the ninth year of his Majesty's reign for licencing hawkers and pedlars, and all the powers for granting licences and other powers, clauses, rules, directions, allowances, penalties and forfeitures, articles, matters and things therein contained (and not hereby altered) shall be continued, and shall be practised, observed and put in execution, from the said three and twentieth day of June, one thousand seven hundred and one, until the said four and twentieth day of June, one thousand seven hundred and six, as fully and effectually, as if the same were particularly repeated and again enacted by this present act; nevertheless the said duties or sums of money to be paid by such hawkers, pedlars, petty chapmen and others as aforesaid, shall be for the uses and purposes in this act expressed, and for no other use, intent or purpose whatsoever; any thing in the said recited acts, or any of them, contained to the contrary notwithstanding.

XII. And it is hereby further enacted by the authority aforesaid, That the duty upon muslins, after the rate of fifteen pounds for every one hundred pounds of the true and real value thereof, which was imposed by an act made in the eleventh year of his Majesty's reign, whereby further duties were laid upon wrought silk, muslins, and some other commodities of *Persia*, *China*, and the *East Indies*, which should be imported after the five and twentieth day of *March*, one thousand seven hundred, and before the thirtieth day of *September*, one thousand seven hundred and one, shall be continued for and upon all muslins which from and after the nine and twentieth day of *September*, one thousand seven hundred and one, and before the thirtieth day of *September*, one thousand seven hundred and six, shall be imported or brought into the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, over and above all other duties payable for the said muslins; and that all the rules, directions, powers, allowances, penalties, forfeitures, clauses, matters and things in the said last mentioned act contained (and not hereby altered) for or concerning the ascertaining, securing, levying or raising the duties thereby imposed, shall be revived, practised and put in execution, for ascertaining, securing, levying and raising the duties upon muslins hereby imposed during the time aforesaid, for the uses and purposes in this act expressed, and to no other use, intent or purpose whatsoever.

XIII. Provided always, and it is hereby enacted, That if the said muslins hereby charged, or any of them, upon which the said further duties of fifteen pounds in the hundred are paid or secured

made for licencing hawkers and pedlars, and the duties thereby paid, &c: continued until 24 June, 1706.

Wholesale traders in bone lace are not barbers within this act 4 Geo. 1. c. 6.

11 W. 3. c. 3. concerning duty on muslins, continued until 30 Sept, 1706.

If muslins for which duty is paid be again exported with-

in 12 months, secured to be paid as aforesaid, be again exported at any time
Duty to be times within twelve months after the importation thereof, that
repaid. that due proof be first made upon oath, that the goods or mer-
These 12 months chandizes so exported be the same for which the said duties
enlarged to 3 paid or secured to be paid as aforesaid, then and in such case, and
years by 7 Geo. not otherwise, the same duties shall without any delay or reward
1. stat. 1. c. 21. be repaid by the receiver general of his Majesty's customs for
f. 11. the time being, out of such monies as shall be in his hands for
the said duties of fifteen pounds *per centum* arising by this act
unto the person or persons, bodies politick or corporate, making
the said exportations, or the said security shall be vacated as to
so much of the said goods or merchandizes as shall be so export-
ed; any thing in this act, or in any former act or acts of parli-
ament contained to the contrary notwithstanding.

Species of
muslins.

XIV. And it is hereby declared, That by muslins, the several species following are meant, *viz.* *Awbrooks, abdaties, betulls* plain, striped *pandavarts, rowallow, golconda, oringall, junays*, and also *doreas, coffaes*, plain and flowred *sanjehs*, plain and flowred *jamdannes, mullmulls*, plain and flowred *jecolgies, marmohwbates*, plain and flowred neckcloths, *rebing, fallows, comervilles, searbands*, night rails, aprons, *tirindames*, callico lawns, and all other thin callicoes, commonly called *muslins*; and that by painted, dyed and stained callicoes, mentioned in the said act of the eleventh year of his Majesty's reign, for laying the said duty of fifteen pounds *per centum* on several commodities from *Persia, China*, and the *East Indies*, are meant not only all callicoes painted, dyed or stained, after the weaving thereof, but all such whereof the yarn or other materials were painted, dyed or stained before the making of such callicoes.

What is meant
by painted cal-
licoes, &c. in
the act 11 W.
3. c. 3.

XV. And it is hereby further enacted by the authority aforesaid, That all the duties by any act or acts of parliament now in being, charged or imposed upon all or any japanned and lacquered goods which shall be imported into the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, from and after the four and twentieth day of *June*, one thousand seven hundred and one, shall be answered and paid, according to the true and real value of the same, to be ascertained by the gross price at which such goods shall be sold by the candle, in such manner and form, and under such rules and directions, and subject to such penalties and forfeitures, as by the said act of the eleventh year of his Majesty's reign are prescribed for ascertaining the said duty upon muslins; nevertheless the said duties upon japanned and lacquered goods shall be applied and disposed to the same uses and purposes to which the respective duties upon the same goods, payable in any other manner, by the said former act or acts were appropriated or applicable.

Duties on ja-
panned and
lacquered
goods import-
ed shall be paid
ad valorem,

as prescribed
in the act 11 &
12 W. 3. c. 3.
and applied to
the same uses,
&c.

18 Car. 2. c. 5.
25 Car. 2. c. 8.
1 Jac. 2. c. 7.

XVI. And be it further enacted by the authority aforesaid, That an act made in the eighteenth year of the reign of the late King *Charles the Second*, intituled, *An act for encouraging of coinage*, and another act made in the five and twentieth year of the reign of the said late King *Charles*, intituled, *An act for continu-*
ing

a former act concerning coinage, both which said acts were re-
 ved by an act made in the first year of the reign of the late King
James the Second, and were further continued by an act made ^{4 W. & M.}
 the fourth year of the reign of his present Majesty and the late ^{c. 24. for en-}
Queen of blessed memory, to be in force for the space of seven ^{couraging of}
 years, from the thirteenth day of *February*, one thousand six ^{coinage, con-}
 hundred ninety two, and from thence to the end of the first ses- ^{tinued for 7}
 sion of parliament then next following, shall be and are by vir- ^{years.}
 tue of this act continued, and shall be in force for the space of
 seven years, from the first day of *June*, one thousand seven hun-
 dred and one, and from thence to the end of the first session of
 parliament then next following, and no longer, to defray the
 necessary expences of his Majesty's mint.

XVII. Provided also, That no information shall be brought, ^{Proviso con-}
 laid or prosecuted against any common distiller, vinegar-maker ^{cerning distil-}
 or cyder-maker, for any false or mis-entury, or offence made or ^{ler, &c.}
 committed, from and after the four and twentieth day of *June*,
 one thousand seven hundred and one, unless the same informa-
 tion or informations be laid and entred before such persons ap-
 pointed to determine the same, within three months next after
 every such offence committed, and that notice thereof be given
 to such person or persons (against whom such information shall
 be laid) in writing, or left at their dwelling-houses, within one
 week after the laying and entring such information, to the end
 a timely provision may be had and made in defending the same;
 any thing in this act, or other law to the contrary notwith-
 standing.

XVIII. And be it enacted by the authority aforesaid, That ^{No person to}
 no person or persons whatsoever shall, from and after the nine ^{sell brandy or}
 and twentieth day of *September*, one thousand seven hundred and ^{other distilled}
 one, sell brandy or other distilled liquors by retail, to be drank ^{liquors by re-}
 in his, her or their house or houses, but such persons only as ^{tail, without}
 shall be thereunto licenced and allowed, in the same manner as ^{licence.}
 common alehouse-keepers; and every person or persons so sell- ^{By 1 Annæ,}
 ing brandy or other distilled liquors by retail as aforesaid, shall ^{stat. 2. c. 14.}
 be subject to the same rules, penalties and forfeitures for selling ^{this clause is}
 drink without licence, as common alehouse-keepers now are; ^{repealed as to}
 and the several justices of the peace of this kingdom, and other ^{distillers.}
 officers, are hereby impowered and authorized to have and ex-
 ercise the same jurisdiction, powers and authorities, over such
 retailers of brandy and other distilled liquors, which they now
 have or exercise over common alehouse-keepers by any law or
 statute whatsoever.

XIX. And whereas by an act made in the eleventh year of his Ma- ^{11 W. 3. c. 15.}
 jesty's reign, intituled, An act for ascertaining the measures for re- ^{concerning}
 tailing ale and beer, it is enacted, That every mayor or chief officer ^{measures for}
 of each city, town corporate, borough or market town, from and after ^{retailing ale}
 the twenty fourth day of *June*, one thousand seven hundred, shall ^{and beer,}
 from time to time cause or procure all ale quarts and ale pints brought
 to him or them respectively to be measured, compared, fixed and equal-
 led with the standard, and then signed, stamped and marked, as in
 the

not to deprive
the two uni-
versities of
their right of
fizing, &c.
their mea-
sures.

Foreign bran-
dy or spirits
imported to be
forfeited.

King may
borrow
300,000 l. on
credit of this
act,

at 6l. per cent.
Interest for
150,000 l. and
7 l. per cent.
for the other
150,000 l.
Money lent
not to be tax-
ed.

Monies to be
paid weekly

the said act is mentioned and described; be it enacted and declared
That nothing in the said recited act contained shall extend, or
construed or taken to extend, to deprive the two universities
this kingdom, or either of them, of their right privilege and
of fizing, equalling, signing, stamping and marking of measures
for ale and beer, within their respective limits and jurisdictions
but that they and each of them respectively, shall and may
and enjoy their said right, privilege, and usage; any thing
the said recited act to the contrary thereof in any wise notwithstanding.

XX. And for the preventing all secret and unlawful importation
of foreign spirits or brandy; be it enacted by the authority
aforesaid, That if any foreign brandy or spirits of any kind
whatsoever, shall from and after the nine and twentieth day of
September, one thousand seven hundred and one, be imported
into this kingdom, or be brought into any port, creek, or haven
of this realm, in any ship or vessel, under the burden of fifteen
tuns (except for the use of the seamen on board such ship or
vessel only, not exceeding one gallon for each seaman) such
brandy or spirits shall be forfeited, one moiety thereof to his
Majesty, his heirs and successors, the other moiety to such per-
son as shall seize or sue for the same, by bill, plaint, or infor-
mation, in any of his Majesty's courts of record at Westminster.

XXI. And be it further enacted by the authority aforesaid, That
it shall and may be lawful to and for his Majesty or his Majesty's
officers in the receipt of his Exchequer, to borrow or take in by
way of loan to his Majesty's use, on credit of the said rates and
duties upon low wines or spirits of the first extraction, and of the
said duties upon coffee, cocoa nuts, chocolate, cocoa paste, tea,
nutmegs, cinnamon, cloves, mace, and pictures, and any other
things therewith charged, as aforesaid, and of the said imposi-
tions and sums of money payable by hawkers, pedlars, and pet-
ty chapmen, and of the said further duties imposed upon mu-
slins, any sum or sums of money, not exceeding three hundred
thousand pounds, from any person or persons, natives or fo-
reigners, bodies politick or corporate, as shall be willing to ad-
vance or lend the same, and that interest for the forbearance
thereof, not exceeding the rate of six pounds *per centum per an-*
num for the first one hundred and fifty thousand pounds, and five
pounds *per centum per annum*, for the remaining one hun-
dred and fifty thousand pounds, which shall be so lent, shall be
allowed and paid out of the same rates and duties; and that the
money so to be lent shall not be rated or assessed to any publick
tax or assessment whatsoever.

XXII. And to the end all the money that shall be so lent to
his Majesty on the said duties on low wines, and other the du-
ties before particularly expressed, may be well and sufficiently
secured and repaid with interest, as aforesaid, out of the same
be it further enacted by the authority aforesaid, That all the mo-
nies arising by the said duties, upon which the said loans are to
be made, shall be brought and paid from time to time weekly
int

into the receipt of the Exchequer (that is to say) upon *Wednesday* in every week, if it be not an holiday, and if it be, then the next day after that is not an holiday; and that there shall be provided and kept in his Majesty's Exchequer (that is to say) in the office of the auditor of the receipt, one book in which all the said monies which shall be so paid into the Exchequer shall be entred apart and distinct from all other monies paid or payable to his Majesty, his heirs and successors, upon any account whatsoever.

into the Exchequer.
Auditor to enter the said monies apart.

XXIII. And be it further enacted by the authority aforesaid, That from time to time, upon making such loans, as aforesaid, on credit of the said duties on low wines, and other the duties before mentioned, as aforesaid, tallies of loan shall be levied for all and every sum and sums of money so to be lent, and that orders, according to the course of the Exchequer, shall be drawn and signed for repayment of the same, and for payment of such interest, as aforesaid, for the forbearance thereof, the said interest to be paid every three months, until satisfaction of the principal sum; and that all and every such order and orders, and the monies therein to be contained, or any part thereof, shall be assignable and transferrable, without power of revocation, so as the assignments thereof be indorsed upon the respective orders, and entred or notified in the office of the auditor of the receipt of the Exchequer, in a book to be there kept for that purpose; and that a distinct register shall be kept in the said receipt of Exchequer, of all the said orders of repayment, not exceeding three hundred thousand pounds, in which the said orders shall be registred in course, according to the date of the tallies respectively, without any other preference of one before another; and that every person shall be paid in course as his order shall stand entred in such register book, out of the said duties upon low wines, and the said other duties whereupon the said loans shall be made, as aforesaid, which are hereby appropriated thereunto, and that no fee, reward, or gratuity, directly or indirectly, shall be demanded or taken for providing or making any such book or register, or for any view or search in the same, by any of his Majesty's officers, their clerks, or deputies, on pain of forfeiting treble damages to the party grieved, to be recovered by action of debt, or of the case, bill, plaint, or information in any of his Majesty's courts of record at *Westminster*, by any person or persons who will sue for the same, wherein no essoin, protection, wager of law, privilege of parliament, or other privilege, or more than one imparlance shall be granted or allowed, either for demanding or taking any such fee or gratuity, or for giving any undue preference in point of registry or payment.

Tallies and orders to be levied and signed for repayment, and interest paid every three months.

Orders to be assigned, &c.

and registred in course without undue preference,

without fee.

Penalty.

XXIV. Provided always, That if it shall happen that several of those tallies and orders bear date, or be brought the same day to the auditor of the receipt to be registred, it shall be interpreted no undue preference which of those be entred first.

No undue preference where tallies bear date the same day, nor where teller pays subsequent or.

XXV. Provided also, That it shall not be interpreted any undue

ders, &c.

due preference to incur any penalty in point of payment, if the auditor direct, or the clerk of the pells record, and the tellers pay subsequent orders of persons that come and demand the monies, and bring their orders, before other persons that do not come to demand their monies, and bring their orders in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; yet so as that interest of loan shall in that case cease from the time the money is so reserved and kept in bank for them.

but interest to
cease.

Monies lent
on this act and
the following
acts,

XXVI. And be it further enacted by the authority aforesaid, That all the money to be lent by virtue of this act upon credit of the several duties and impositions hereby granted, and all the monies arising by this act, of and for the same duties and impositions respectively (the monies of the said duties and impositions which are to go in repayment of the loans, and for satisfaction of the interest thereof, and the charges of raising and levying the said several duties and impositions by this act granted, always excepted) and all the monies lent at the receipt of Exchequer, between the eighteenth day of *February*, one thousand seven hundred, and the tenth day of *June*, one thousand seven hundred and one, not exceeding seven hundred thousand pounds, for which the orders are appointed to be transferred to the register of orders payable out of two third parts of the monies arising by another act of this present session of parliament, intitled, *An act for granting an aid to his Majesty for defraying the expence of his navy, guards, and garrisons for one year, and for other necessary occasions*, and all the monies which shall be further lent to his Majesty upon credit of the said two third parts of the monies arising by the act last mentioned, and so much of the said two third parts as after repayment of all the loans transferred, made or to be made thereupon, and the interest thereof, and the making of such allowances as are to be made by the act last mentioned, shall or may arise or be brought into the said receipt of the Exchequer; and all the monies which shall be lent or advanced to his Majesty upon credit of the weekly sum of three thousand seven hundred pounds of lawful *English* money, by any other act or acts of this present session of parliament, to be taken out of certain branches of the excise, for five years from the five and twentieth day of *December*, one thousand seven hundred, and the monies arising by such weekly payments (so much thereof as is to go in repayment of loans thereupon, and the interest of such loans, always excepted) and all the overplus of the several funds, which by certain clauses in the act for the land tax made in the eleventh year of his Majesty's reign, were appropriated for sea services therein particularly mentioned, and for land service in the office of his Majesty's ordnance, and for the charge of circulating Exchequer bills, and for half-pay to disbanded officers, and for his Majesty's guards and garrisons for one year therein mentioned, and for arrears due to the same; which said overplus is hereby declared to consist of so much monies

12 & 13 W. 3.
C. 10.

11 W. 3. C. 2.

monies as shall remain of those appropriated funds, after the said uses and services are or shall be fully satisfied and discharged, as the said act last mentioned did direct (the money due and to be paid to the governor and company of the bank of *England*, out of the said overplus monies, to make good the deficiency of their fund for the year ended on the first day of *June*, one thousand seven hundred, only excepted) and all the monies to arise by the arrears of the subsidy of tunnage and poundage and other duties upon goods and merchandizes imported and exported, which were granted for five years, ending upon the five and twentieth day of *December*, one thousand six hundred ninety nine, and are yet unsatisfied, over and above the debentures and other legal allowances which are to be first satisfied out of the said arrears; and all the monies which from the five and twentieth day of *December*, one thousand seven hundred, until the five and twentieth day of *March*, one thousand seven hundred and two, shall arise by the duty of five shillings *per tun* upon *French* shipping, pursuant to an act of parliament in that behalf made in the twelfth year of the reign of King *Charles* the Second; and all the several duties which in one year to be reckoned from the last day of *March*, one thousand seven hundred and one, shall arise by virtue of the act of parliament made and passed in the seventh year of his Majesty's reign, intituled, *An act for granting to his Majesty an additional duty upon all French goods and merchandizes*, and all the monies which from the said five and twentieth day of *December*, one thousand seven hundred, shall arise by the duty of one shilling and ten pence for every pound weight of wrought silk, which before the thirtieth day of *September*, one thousand seven hundred and one, shall have been imported from the *East Indies*, or *Persia*, pursuant to an act of parliament in that behalf made in the ninth year of his Majesty's reign; and the monies which from the four and twentieth day of *June*, one thousand seven hundred and one, until the five and twentieth day of *March*, one thousand seven hundred and two, shall arise by the rents of licences for hackney coaches, pursuant to the act of parliament in that behalf (the necessary charges of raising and levying the said arrears of the subsidy of tunnage and poundage, and the said duties of five shillings *per tun* upon *French* shipping, and the said additional duties upon *French* goods and merchandizes, and the said duty upon wrought silks, and for the execution of the said act for licencing of hackney coaches, always excepted) and every of them, be and shall be appropriated and applied, and the same are hereby appropriated and applied in manner and form following (that is to say) out of the said aids, supplies, duties, overplus money, and other monies hereby appropriated, as aforesaid, there is and shall be applied for sea service (to wit) for arrears of wages due to officers and seamen of the fleet, and for payments upon the recalls, two hundred thousand pounds; for bounty money to the officers of the fleet, and for the ordinary of the navy (excluding the charge of the register

12 Car. 2. c. 4.

7 W. 3. c. 20.

9 W. 3. c. 44.

5 & 6 W. & M. c. 22.

to be applied for sea service. Bounty money.

Repairs of the fleet, navy. Victualling, and ordnance. Sick and wounded seamen.	register for seamen) one hundred and ninety thousand pounds towards extraordinary repairs of the fleet, ninety thousand pounds; and for the service of the navy and the victualling thereof, and for the sea service of the office of the ordnance performed, and to be performed, the sum of nine hundred thousand pounds; out of which sum last mentioned, the sum of twenty thousand pounds shall be applied towards discharging further part of the debt due for sick and wounded seamen; and out of all the said aids, supplies, duties, overplus money, and other monies hereby appropriated, as aforesaid, there is a
Land service.	shall be also applied for land service, performed, and to be performed, by his Majesty's office of ordnance, twenty five thousand pounds; and to and for subsistence, off-reckoning, and clearings to his Majesty's guards and garrisons in <i>England</i> , and the dominions thereunto belonging (<i>Ireland</i> excepted) for one year, from the four and twentieth day of <i>December</i> , one thousand seven hundred, the sum of three hundred thousand
Clothiers debts.	pounds; and to discharge debts due to clothiers and others incurred by reason of the extraordinary expence of his Majesty's guards and garrisons within the year, ended upon the four and twentieth day of <i>December</i> , one thousand seven hundred, the
Twelve battalions.	sum of forty thousand pounds; and for one year's pay of the officers and soldiers of twelve battalions, intended for the assistance of the states general of the United Provinces, and for the contingent charges of the said battalions for one year, and for
Levy money.	levy-money to raise five thousand recruits for the said battalions, the sum of one hundred eighty one thousand and thirty three pounds, two shillings, and six pence; for the receiving, issuing, and paying of which sum of one hundred eighty one thousand and thirty three pounds, two shillings and six pence, or any part thereof, the officers in the receipt of his Majesty's Exchequer, or any of them, shall not demand or take any fees or reward whatsoever; and for payment of seven quarters interest due at
Seven quarters interest on malt tickets.	<i>Lady-day</i> , one thousand six hundred ninety nine, upon the malt tickets remaining unsatisfied, a sum not exceeding thirty seven thousand seven hundred eighty eight pounds, and one shilling; the same to be issued to the paymaster of the malt tickets by way of imprest, and upon account, for that purpose; and for payment of one year's interest of the loans remaining due upon the
Loan interest on the first 3s. aid.	first aid of three shillings in the pound, which was granted to his Majesty, a sum not exceeding thirty three thousand eight hundred forty seven pounds, eighteen shillings, and five pence; and for payment of one year's interest for the monies remaining unsatisfied, which were advanced upon credit of the late duties laid upon vellum, parchment and paper, a sum not exceeding
A year's interest for the money due on vellum, parchment, &c. Third quarterly poll.	twelve hundred thirty two pounds; and for paying one year's interest of the money remaining due upon the third quarterly poll tax, which was granted to his Majesty, a sum not exceeding eighteen thousand three hundred eighty one pounds, and twelve shillings; and for paying one year's interest of the loans
Third 3s. aid.	remaining unpaid upon the third aid of three shillings in the pound,

pound, which was granted to his Majesty, a sum not exceeding seventeen hundred thirty eight pounds, and seven pence; and for eighteen months interest of the principal money, remaining due and unsatisfied to all and every person and persons, bodies politick and corporate, upon the register for the late duties which were charged upon leather, a sum not exceeding fifty two thousand nine hundred sixty six pounds; and for and towards half-pay now due, and which shall grow due to disbanded officers and soldiers, a sum not exceeding forty one thousand pounds; and for compleating the sixty sixth payment upon the malt tickets, so much as, together with the monies of the malt duties resting in the Exchequer, and in the hands of the paymaster of the said tickets, shall be sufficient to compleat the sum of ten thousand pounds principal money for the sixty sixth payment, and the interest thereof, and the benefits attending the same; and for the salaries of five commissioners for stating the accounts of the army, transport debts and prizes, and for incident charges in the execution of their trust, a sum not exceeding three thousand and five hundred pounds; and the proper officer and officers concerned in the payment of the said malt tickets are hereby required to indorse the interest which shall be paid in pursuance of this act, upon every such ticket, and to keep a fair account of such payments in a book for that purpose; and the commissioners of his Majesty's treasury, or any three or more of them now being, and the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby directed and authorized to issue and pay, or to assign by tallies, or otherwise, as to them shall seem most expedient for his Majesty's service, all the monies hereby appropriated as aforesaid, for which no other credit is given, to the several uses and purposes by this act directed and intended as aforesaid, and to no other use, intent or purpose whatsoever, and to allow an interest upon any such tallies or assignments, not exceeding the rate of six pounds *per centum per annum*, for any part of the said money, which shall be so advanced for the purposes aforesaid, or any of them.

Leather duties.
Half-pay to disbanded officers and soldiers.
A 66th payment of the malt tickets.
Commissioners salaries for stating the army accounts, &c.

Treasury to pay the monies hereby appropriated or assign tallies,

with interest at 6l. per cent.

XXVII. And to the end the sums by this act appropriated may not be diverted or applied to any other purposes than are hereby declared and intended; be it further enacted by the authority aforesaid, That the rules and directions appointed and enacted in one act made in the first year of his Majesty's reign, intituled, *An act for granting to their Majesties an aid of two shillings in the pound for one year*, for the speedy payment of money hereby granted into the receipt of the Exchequer by the collectors and receivers, and for the distribution and application thereof, and keeping distinct accounts of the same, and all other provisions, pains, penalties and forfeitures thereby enacted, in case of diversion or misapplication of any money thereby appropriated, are hereby revived and enacted to be in force, and shall be practised, applied, executed and put in ure, for and concerning the distribution and application of the said sums hereby appropriated,

Rules in an act 1 W. & M. II. c. 1. revived for the appropriation of the monies hereby given.

propriated, as fully, amply and effectually, as if the same were here again particularly repeated and re-enacted.

XXVIII. *And whereas several sums of money have, during the continuance of the late war against France, and since, been imprested at the receipt of Exchequer to the respective treasurers of the navy, and to the several paymasters of the land forces, for the service of the said navy and land forces, and for the service of several offices subordinate to them, by tallies of fictitious loans, with orders for principal sums equal to the sums so imprested, and for interest thereof, at several rates payable to the said respective treasurers and paymaster, or their assigns, with power to them respectively to make assignments of or upon such orders, for the respective services aforesaid; be it* further enacted by the authority aforesaid, That the said respective treasurers and paymasters, and all the officers in the said subordinate offices, who are to render accounts for the money so imprested in the Exchequer, shall fully charge themselves upon oath (which the said auditors of the imprests, or either of them, for the time being, have hereby power to administer to the said treasurers, paymasters, and other officers, and to their agents respectively) with all the interest monies by the said treasurers, paymasters, and other officers respectively, or by their respective agents, received at the Exchequer, or otherwise, for or upon account of any such tallies and orders, or any of them, or any part thereof, at any time or times before any assignment or assignments made of or upon such orders, or any of them, by the said treasurers, paymasters, or other officers respectively, which interest-monies ought, in justice, to be accounted for to the uses aforesaid, and shall specify therein every particular sum so received for interest, and the order or talley upon which the same were so received, and the persons to whom the assignments were made upon the said tallies or orders, for which the said interest was received; and that every such charge shall be examined by the auditor of the receipt of the Exchequer for the time being, with the entries or vouchers remaining in the said receipt, and shall be attested by the said auditor of the receipt, who (if any omission or omissions be made in the said charge) shall take care to add and surcharge the same before the respective account or accounts of the said treasurers, paymasters, and other officers before mentioned shall be declared.

XXIX. *And whereas many persons who pay duties of excise, and salt, and some collectors of the said duties, and of the late duties on malt and leather, have by accidents failed in their credit, and may hereafter fail, and they and their securities become insolvent, being indebted to his Majesty for the said duties, or for monies collected for the same, and though incapable to pay all the monies due or to grow due from them to his Majesty, may notwithstanding, by the assistance of friends and relations, be capacitated to pay part of their said debts, which they would in many cases do, if a composition could be made for the same, and such persons could be discharged of the remainders of the said debts; but for want of sufficient authority to make such compositions, such debts do and may frequently become wholly and utterly lost:*

Treasurers of the navy, and paymasters of the land forces and their officers, &c. shall charge themselves on oath with the interest-monies by them received in tallies or orders, &c.

Charge to be examined by the auditor of the receipt, and attested, &c.
Farther provided for by 1 Annæ, stat. 1. c. 11. s. 21. and 2 & 3 Ann. c. 17.

or remedy whereof be it enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, or lord high treasurer, or commissioners of his Majesty's treasury for the time being, for any such debts incurred before the five and twentieth day of March, one thousand seven hundred and one, to make such reasonable compositions as to him or them shall seem meet, and upon payment of the money compounded for, in case he or they shall think it reasonable, by warrant to the commissioners of excise, to discharge the remainder of the debt or debts so compounded.

Commissioners, &c. may compound with collectors of excise, salt, &c. who have failed.

XXX. And it is hereby enacted and declared, That the monies remaining due to the officers and soldiers of the four marine regiments lately commanded by colonel *William Seymour*, colonel *Edward Dutton Colt* (since deceased) colonel *Harry Mordant*, and colonel *Thomas Brudenell*, (shall and may be discharged and satisfied to them or their assigns, out of such monies as were issued to the earl of *Orford*, late treasurer of the navy, for the service thereof, and are still undisposed, or out of such monies as are or shall be issued for wages to the present treasurer of the navy.

Monies due to the 4 marine regiments to be discharged.

XXXI. Provided always, and be it enacted, That it shall and may be lawful to and for *Hellen Arthur*, widow and relict of *Robert Arthur* of *Hackets Town* in the county of *Dublin* esquire, deceased, to go into *Ireland*, and in behalf of herself and of her children, to enter her and their respective claim and claims before the trustees appointed by an act made in the eleventh and twelfth years of his Majesty's reign, intituled, *An act for granting an aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned*, or before any seven or more of them, to and for her and their respective rights and titles to any manors, lands, tenements or hereditaments, and to the respective portions of the said children, at any time before the first day of *September*, one thousand seven hundred and one: and further, That it shall and may be lawful to and for all and every other person or persons, who have by petition to the house of commons, prayed relief either for not entering his, her or their claim or claims within the time limited by the said act, or for not doing thereof according to the directions of the said act, and who are mentioned in the report from a committee of the commons appointed to separate the petitions relating to the said *Irish* forfeitures, to enter his, her and their respective claims before the said trustees, or any seven or more of them, in manner and within the time aforesaid; and the said respective claims being so entred, shall be heard, adjudged and determined by the said trustees, according to the direction of the said act; any thing in the said former act to the contrary thereof in any wise notwithstanding.

Hellen Arthur widow, may enter her claim before the trustees in *Ireland*, appointed by 11 & 12 W. 3. c. 2.

The like to any other person, who hath prayed relief, &c.

XXXII. And whereas several persons have exhibited petitions to the house of commons for relief if divers matters relating to an act of parliament made in the eleventh and twelfth years of his present Ma-

11 & 12 W. 3. c. 2

Petitions relating to the Irish forfeitures, and referred, &c. lands shall not be sold, &c. till the end of the next session.
Exception.

jeſty's reign, intituled, An act for granting an aid to his Maſteſty by ſale of the forfeited and other eſtates and intereſts in Ireland, and by a land tax in England, for the ſeveral purpoſes there mentioned; which ſaid petitions have been by them referred to Henry Sheers knight, Francis Annelley, and John Trenchard eſquires, three of the truſtees in the ſaid act mentioned; and there have been thereupon made: and whereas it was reſolved by the ſaid houſe, That the ſaid petitions (except ſuch caſes as are certified under the hands of the twelve truſtees, and except ſuch of the ſaid petitions as the Iriſh truſtees in England have certified the matter of fact to be true) be referred to the truſtees in Ireland, to examine upon the matter of fact, and repreſent the ſame to the ſaid houſe; and the ſaid houſe appointed a committee to ſeparate the ſame, according to the ſaid reſolution, which were ſeparated accordingly, and reported to the ſaid houſe: and whereas ſome of the ſaid petitions now lie before the ſaid houſe, upon the ſaid report, and the reſt of them are to be further examined by the truſtees nominated by the ſaid act in order to aſcertain the facts therein contained; be it enacted by the authority aforeſaid, That the ſeveral and reſpective eſtates, rights, titles, poſſeſſions and intereſts claimed by the ſaid petitions, ſhall not be ſold, aliened, transferred, removed or prejudiced by the ſaid truſtees in the ſaid act mentioned, or any of them, until after the end of the next ſeſſion of parliament, except ſuch claims as have been already adjudged by the truſtees; and as to the ſaid petitions ſo to be further examined as aforeſaid, the ſame are hereby referred to the truſtees nominated in the ſaid act, to examine the reſpective allegations contained in the ſaid ſeveral petitions, and to report the ſame within the ſpace of ten days after the commencement of the next ſeſſion of parliament; and ſuch petitions as lie before the ſaid houſe upon the ſaid report as aforeſaid, they and every of them ſhall and may be proceeded upon, and taken into conſideration the next ſeſſion of parliament.

C A P. XII.

An act for appropriating three thouſand ſeven hundred pounds weekly, out of certain branches of exciſe, for publick uſes, and for making a provision for the ſervice of his Maſteſty's houſhold and family, and other his neceſſary occaſions.

9 W. 3. c. 23.

WHEREAS by an act of parliament made and paſſed in the ninth year of his Maſteſty's reign, intituled, An act for granting to his Maſteſty a further ſubſidy of tunnage and poundage, towards raiſing the yearly ſum of ſeven hundred thouſand pounds, for the ſervice of his Maſteſty's houſhold, and other uſes therein mentioned, during his Maſteſty's life, the yearly ſum of ſeven hundred thouſand pounds was intended to be ſupplied to his Maſteſty, for the ſervice of his houſhold and family, and for other his neceſſary expences and occaſions, out of the hereditary rates and duties of exciſe upon beer, ale, and other liquors, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and out of the rates and duties of exciſe on beer, ale, and other liquors, payable

11 Car. 2. c. 23.

payable for the term of his Majesty's life, by an act of parliament made and passed in the second year of the reign of his Majesty and the late ²W. & M. 11. 1. Queen of blessed memory, and out of the revenue of the general letter ^{C. 3.} office, or post office, or the office of the postmaster general, and out of the small branches of his Majesty's revenues herein after mentioned and expressed (that is to say) The first fruits and tenths of the clergy; the fines for writs of covenant and writs of entry, payable in the alienation office; the post fines; the revenue of the wine licences; the monies arising by the sheriffs' proffers and compositions in the Exchequer, and by the seizures of uncustomed and prohibited goods; the revenue of the duchy of Cornwall, and any other revenue arising by the rents of lands in England or Wales, or for fines of leases of the same, or any of them; and the duty of four and half per centum in specie, arising in Barbadoes, and the leeward islands in America; and out of the monies which should arise by the said act for the said further subsidy of tunnage and poundage; and it was thereby further enacted, That if the said great and small branches and revenues, herein before mentioned, should produce in clear money more than the yearly sum of seven hundred thousand pounds, from the five and twentieth day of December, one thousand six hundred ninety nine, then the overplus of such produce, being more than the said yearly sum of seven hundred thousand pounds, should not be issued, disposed, made use of, or applied to any use or purpose, or upon any pretext whatsoever, without the authority of parliament, as by the said act, relation being thereunto had, may more fully appear: and whereas the necessity of the publick affairs doth require, that the weekly sum of three thousand seven hundred pounds of lawful English money for every week, to be reckoned from the five and twentieth day of December, one thousand seven hundred, and to be taken out of the said hereditary revenue or branch of excise, and out of the said duties of excise, payable during his Majesty's life, and either or any of them, be applied and disposed to and for the publick use and service, during his Majesty's life; and that the monies arising by such weekly payments, during the term of five years, to be accounted from the said five and twentieth day of December, one thousand seven hundred, be now made a security or fund of credit for raising thereupon any sum or sums of money, not exceeding eight hundred and twenty thousand pounds, for the immediate service of his Majesty's navy, guards, and garrisons, land forces, and other publick uses; and it is intended, that all the rest and residue of the said particular branches of excise, and all the said other great and small branches and revenues, herein before particularly enumerated and expressed, shall from the said five and twentieth day of December, one thousand seven hundred, be for the service of his Majesty's household and family, and for other his necessary expences and occasions, during his Majesty's life; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That from and after the said five and twentieth day of December, one thousand seven hundred, for and during the whole term of five years from thence next and immediately ensuing, the full, clear, and entire weekly sum

From 25 Dec.
1700. for 5
years, 3,700l.
per week out
of the excise
of duties,

of three thousand seven hundred pounds of lawful *English* money, out of all the monies arising by the said hereditary duties of excise, and by the said duties of excise payable during his Majesty's life, and by every or any of them, if all those duties of excise shall so long continue; and if the said duties of excise, payable during his Majesty's life (which God long preserve) shall happen to determine before the end of the said term of five years, then out of the monies arising entirely by the said hereditary duties of excise, for and during all the residue which shall be then to come and unexpired of the said term of five years, shall be brought and paid by the commissioners, farmers, receiver and receivers general, for the time being, of the said duties of excise (who are hereby enjoined and required to bring and pay the same accordingly) into the receipt of Exchequer, distinctly and separately from all other monies whatsoever that are or shall be payable by them into the said receipt, the same to be brought and paid into the said receipt in manner and form following (that is to say) The sum of ninety six thousand two hundred pounds for the first twenty six weeks, to be reckoned from the said five and twentieth day of *December*, one thousand seven hundred, and to end upon *Wednesday* the five and twentieth day of *June*, one thousand seven hundred and one, shall be brought and paid into the said receipt as by this act is specially provided in that behalf; and from and after the said five and twentieth day of *June*, one thousand seven hundred and one, during all the then residue of the said term of five years, the said weekly sum or payment of three thousand seven hundred pounds, shall, upon *Wednesday* in every week, if it be not an holiday, and if it be, then upon the next day that is not an holiday, as one week shall successively and immediately follow and succeed another, be brought and paid into the said receipt of Exchequer, for the purposes in this act expressed; and in case in any week or weeks the whole receipt of the monies of the said several branches or duties of excise, hereby charged as aforesaid, shall not be sufficient to answer the weekly payment or payments hereby directed, for such particular week or weeks, that then and so often the deficiency and deficiencies thereof shall be supplied and made good out of the whole receipt of the said particular branches of excise, and every or any of them, arising in the next week or weeks, when the receipt or receipts will be sufficient to bear the same.

II. And as to the said sum of ninety six thousand two hundred pounds, to be reckoned for the first twenty six weeks from the said five and twentieth day of *December*, one thousand seven hundred, and ending upon *Wednesday* the five and twentieth day of *June*, one thousand seven hundred and one, as aforesaid, it is hereby enacted, That the said sum of ninety six thousand two hundred pounds shall be brought and paid into the receipt of Exchequer out of the duties of excise aforesaid, by two thousand three hundred pounds a week, for one and forty weeks, to be reckoned from the said five and twentieth day of *June*, one thousand

shall be paid into the Exchequer in manner following.

Perpetuated by

1 Geo. 1. stat. 1.

c. 1. f. 4.

See 2 Annæ,

. 3. & 3 Ann.

c. 2.

6 Geo. 1. c. 4.

Weekly deficiency (if any) how to be supplied.

How the 96,200 l. for the first 26 weeks shall be paid into the Exchequer, &c.

and seven hundred and one, successively, and by paying nineteen hundred pounds, to compleat the said ninety six thousand two hundred pounds, at the end of the two and fortieth week, to be reckoned from the said five and twentieth day of *June*, one thousand seven hundred and one, over and above the constant weekly payment of three thousand seven hundred pounds aforementioned, for the purposes in this act expressed; and that all the monies hereby appointed to be weekly paid into the said receipt, as aforesaid, and every part thereof, shall be applied and disposed, and the same are hereby appropriated, for and towards the repayment and satisfaction of the sum not exceeding eight hundred and twenty thousand pounds hereby authorized to be borrowed thereupon, and the interest thereof, as is herein after mentioned, and to no other use, intent, or purpose whatsoever; any former act or acts of parliament, or other matter or thing whatsoever to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That all the rest and residue of the said particular branches of excise upon beer, ale, and other liquors, which shall from time to time remain after the said weekly payments shall be made out of the same, and the said revenues arising in the said general letter office or post office, and by the said small branches herein before particularly expressed, and by the said further subsidy of tunnage and poundage, and all other the branches and revenues herein before mentioned, which were chargeable with the said yearly sum of seven hundred thousand pounds, as aforesaid, shall, from time to time, during his Majesty's life, be for the use and service of his Majesty's household and family, and for other his necessary expences and occasions; the said act made in the ninth year of his Majesty's reign, herein before recited, or any clause, matter, or thing therein contained to the contrary notwithstanding.

Residue of the branches of excise, &c. chargeable with the yearly sum of 700,000l. to be for the use of the King's household and family, &c.

IV. And it is hereby declared and enacted, That all and every the clauses contained in the said recited act of parliament for, touching, or concerning the overplus or produce of the said branches and revenues, over and above the said yearly sum of seven hundred thousand pounds, are and shall be repealed, void, and of none effect.

Clauses touching the overplus in the act 9 W. 3. c. 23. repealed.

V. And it is hereby further enacted by the authority aforesaid, That the commissioners of excise for the time being, at the head office in *London*, shall from time to time separate and keep apart all the monies arising by the said particular branches of excise, herein before mentioned, as the same shall, from time to time, arise or be paid into the said office of excise by the receivers or collectors of the same, or by any other person or persons whatsoever; and shall, out of the monies so arising, make the said weekly payments into the Exchequer, for repayment of loans, and the interest thereof, according to the purport of this present act.

Commissioners of excise to make the said weekly payments into the Exchequer.

VI. And be it further enacted, That if the said commissioners of excise for the time being shall refuse or neglect to pay or

Penalty.
cause

cause to be paid into the Exchequer the said weekly sums by appointed, or shall divert or misapply any part of the monies which should make good the same, then they, and every of them so offending, shall forfeit their several offices and places and be incapable to serve the King in any office or place of trust or profit, and shall be liable for every such offence to pay down the value of the money so diverted or misapplied, to any person or persons, who will inform or sue for the same, by action at law, debt, or of the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*, wherein no effectual protection, wager of law, or more than one imparlance, shall be granted or allowed.

Comptrollers of excise to keep account of all the monies arising by the particular branches of excise. Penalty.

VII. And be it enacted, That the comptroller of the excise for the time being shall keep a perfect and distinct account, in a book or books fairly written, of all the monies which shall arise by the said particular branches of excise, out of which the said weekly payments are to be made, as aforesaid, as the same shall from time to time arise or be raised (to which books all persons concerned shall, at all reasonable times, have free access, without fee or charge) and such comptroller, in default thereof, shall forfeit his office or place, and be rendered incapable, as aforesaid, and shall also forfeit the sum of one hundred pounds for every such default, to any person or persons who will inform or sue for the same, as is before mentioned.

Auditor to enter in a book the monies brought in weekly.

VIII. And to the end the said weekly sum of three thousand seven hundred pounds, and all the payments hereby directed to be made into the said receipt of Exchequer, for or upon account of the same, may be made a fund or security for borrowing thereupon any sum or sums of money, not exceeding eight hundred and twenty thousand pounds, and for repayment thereof, with interest for the same, be it further enacted by the authority aforesaid, That there shall be provided and kept in the office of the auditor of the receipt of Exchequer one book, in which all the monies which ought to be paid in weekly as aforesaid, for or upon account of the said weekly sums out of the said particular branches of excise, and which shall be brought to the said receipt, shall be entered apart and distinct from all other monies paid into the said receipt, on any other account whatsoever.

Persons may lend £20,000. on the weekly payments, &c. By 6 Geo. 1. c. 4. s. 1. these annuities may be taken in by the South Sea company.

IX. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and lend to his Majesty, at the said receipt of Exchequer, any sum or sums of money, not exceeding the sum of eight hundred and twenty thousand pounds, upon credit of the weekly payments hereby appointed to be made, as aforesaid, out of the said particular branches of excise; and that tallies of loans shall be levied for all and every sum and sums of money so lent, and that orders, according to the course of the Exchequer, shall be drawn, signed, and issued for the repayment of the same, and for payment of interest for the forbearance of every such sum of money,

money, after the rate of six pounds *per centum per annum*, for the first four hundred thousand pounds, and seven pounds *per centum per annum*, for the remaining four hundred and twenty thousand pounds; which interest shall be payable every three months from the respective dates of the said tallies of loan, until the satisfaction of the said respective principal sums; and all and every such order and orders, and the monies therein to be contained, or any part thereof, shall be assignable and transferrable, without power of revocation, so as the assignments thereof be indorsed on the respective orders, and entred or notified in the office of the auditor of the receipt of Exchequer, in a book to be there kept for that purpose; and that all and every the sum and sums of money so to be lent to his Majesty, upon credit of the said weekly payments, shall be free from all manner of publick taxes and impositions whatsoever; and that a distinct register shall be kept in the said receipt of Exchequer, of all the orders for repayment of the said sum not exceeding eight hundred and twenty thousand pounds, in which all the said orders shall be registered in course, according to the dates of the tallies respectively, without any other preference of one before another; and that all and every person and persons shall be paid in course, according as their orders shall stand entred in the said register; and that all the monies to come in by this act, of or for the said weekly payments appropriated for repayment of loans, and the interest thereupon, as aforesaid, shall be in the same order liable to the satisfaction of the respective lenders, their executors, administrators, and assigns respectively, according to the dates of their tallies, and shall not be diverted or divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken for providing or making of any books, entries, registers, views, or search, in or for payment of money lent upon the said weekly payments, out of the said branches of excise, or interest, as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party aggrieved by the party offending, with costs of suit, or if the officer himself take and demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, in reference to the said principal and interest payable out of the said weekly sums charged on the said particular branches of excise, then the party offending shall be liable, by action of debt or on the case, to pay the value of the debt, damages, and costs to the party aggrieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk shall also be liable to such action of debt, damages, and costs, and shall be for ever after incapable of any place or office; and in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment, according to each person's

Money lent.
not to be taxed.

No fee to be taken, &c.

Penalty.

Penalty on officer making undue preference in payment, &c.

person's due place and order, as afore directed, in reference the said weekly sum of three thousand and seven hundred pound or the said principal and interest to be paid out of the same then he or they shall be adjudged to forfeit, and they and the respective deputies and clerks herein offending, to be liable in such action, debt, damages and costs, in such manner as afore said; all which said penalties and forfeitures to be incurred by any of the officers of the Exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plain or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

Penalties how to be recovered.

Noundue preference where orders bear date the same day.

X. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for repayment of money lent upon the said weekly sums out of the said branches of excise, bear date or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those he enters first, so he enters them all the same day.

nor if the tellers pay subsequent orders, &c.

XI. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of the payment last mentioned, if the auditor direct, or the clerk of the pells record, and the tellers do pay, subsequent orders of persons that come and demand their monies, and bring their orders, before other persons that did not come to demand their money, and bring their orders, in their course, so as there be so much money reserved as will satisfy precedent orders; which shall not be otherwise disposed, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Charge of collecting, &c. how to be defrayed.

XII. Provided always, and it is hereby enacted, That the charge of collecting, managing, and levying the said particular branches of excise, and other branches and duties before mentioned, which were liable to the said yearly sum of seven hundred thousand pounds, shall be born and defrayed out of the said rest and residue of the same branches and revenues hereby appointed for the service of his Majesty's household and family, and other his necessary expences and occasions, as aforesaid; any thing herein contained to the contrary notwithstanding.

Monies may be lent on the last 420,000 l. without staying till the preceding 400,000 l. be lent, &c.

XIII. Provided also, and it is hereby enacted, That if any person or persons, bodies politick or corporate, at any time or times after the passing of this act, and before such time as four hundred thousand pounds principal monies in the whole shall be first lent thereupon, shall be willing to advance and lend to his Majesty any sum or sums of money, for or in part of the sum of four hundred and twenty thousand pounds, being the last part of the sum not exceeding eight hundred and twenty thousand pounds, authorized to be borrowed upon this act, that then it shall and may be lawful to and for any such person or persons, bodies politick or corporate, to make such loans for or in part of

he said last four hundred and twenty thousand pounds, with-
 staying till the preceding four hundred thousand pounds
 be first lent; and that the principal monies upon the orders
 loan, for or in part of the said last four hundred and twenty
 thousand pounds, shall be registred and paid in course as this act
 acts, but shall take place, in point of registry and payment,
 t after four hundred thousand pounds principal monies,
 ch shall be first registred, or be reserved to be registred upon
 act; and that the interest of the said loans, for or in part
 the said four hundred and twenty thousand pounds, so to
 ad last upon the said register, shall be paid every three months
 on the respective dates of the tallies of loans for the same,
 of the said monies to arise weekly from the said particular
 inches of excise, as aforesaid, under the like penalties, forfeit-
 es, and disabilities, for not duly registering or repaying the
 monies so to be lent, for or in part of the said four hundred and
 enty thousand pounds, or for not duly paying the interest
 ereof, as are by this act provided for not duly registering or re-
 ying any other part of the said monies, not exceeding eight
 hundred and twenty thousand pounds, by this act authorized to
 borrowed, as aforesaid, or interest of the same; any thing in
 is act contained to the contrary notwithstanding.

XIV. Provided always, and be it enacted by the authority Provido con-
 cerning the
 bank of Eng-
 land, &c.
 aforesaid, that the governor and company of the bank of Eng-
 land, until such time as they shall be fully satisfied and repaid all
 the principal monies which they shall lend upon credit of this
 act, for or in part of the said sum not exceeding four hundred
 and twenty thousand pounds, before mentioned, and the inter-
 est thereof, shall not be obliged to make any dividend or divi-
 ends of the monies, which hereafter shall become due and
 payable to, and be received by, the said governor and company,
 their servants and agents, out of the Exchequer, or any pub-
 lick office, upon or by virtue of any tallies or orders subscribed
 into the capital stock of the said governor and company, pursu-
 ant to the act of parliament made in the eighth year of his Ma-
 jesty's reign, intituled, *An act for making good the deficiencies of se-*
veral sums therein mentioned, and for enlarging the capital stock of the
bank of England, and for raising the publick credit, but at such
 times only as shall be ordered by a general court of the said go-
 vernor and company; any clause or clauses, matters or things
 whatsoever in the act last mentioned, or in one other act of the
 ninth year of his Majesty's reign, intituled, *An act to give sur-*
ther time for the administering of oaths relating to tallies and orders,
and for the easier dispatch of the publick business in the Exchequer,
and in the bank of England, or in any other act or acts of par-
liament whatsoever contained to the contrary notwithstanding.

8 W. 3. c. 20.

9 W. 3. c. 3.

XV. Provided always, and be it further enacted by the au-
 thority aforesaid, That in lieu and discharge of certain perpe-
 tual annual payments, and of all arrears thereof, granted by
 his late Majesty King *Charles* the Second, by letters patent, out
 of the said hereditary revenue of excise, in satisfaction of cer-
 tain the hereditary

In lieu of the
 perpetual an-
 nual payments
 out of the ex-
 cise granted by
 K. Charles 2.
 the hereditary

excise after 25
Dec. 1705.
shall stand
charged with
the yearly
payments of
3l. per cent.
See 13 Geo. 1.
c. 3. s. 7.

tain principal sums mentioned in the said letters patent to be then due from his said late Majesty to the respective patentees therein named, the said hereditary revenue of excise shall, from and after the twenty sixth day of *December*, one thousand seven hundred and five, be and stand charged and chargeable for ever with the payment of annual sums after the rate of three pounds *per centum per annum*, for the principal sums mentioned in the said respective letters patent, to be issued and paid out of the said revenue by quarterly payments, out of the receipt of his Majesty's Exchequer, by the officers of the same, unto the respective owners and proprietors of such annual sums, and to their heirs and assigns for ever, without any fee or charge, and any further or other warrant, to be issued forth, had, or obtained in that behalf; the said annual payments, after the rate of three pounds *per centum*, to be subject nevertheless to be redeemed upon payment of a moiety of the principal sums mentioned in the said respective letters patent.

Clause in 11 &
12 W. 3. c. 10.

XVI. *And whereas by the act passed in the parliament held in the eleventh and twelfth years of his present Majesty's reign, intituled, An act for the more effectual employing the poor by encouraging the manufactures of this kingdom, all wrought silks, bengalls, stuffs mixed with silk, herba, of the manufacture of Persia, China, or East India, are prohibited to be worn after the nine and twentieth day of September, one thousand seven hundred and one, unless the same be before that time made up and used in apparel or furniture; and direction is by the said act given for bringing of all such goods, as shall be imported after the said nine and twentieth day of September, one thousand seven hundred and one, into a publick warehouse, in order to the exportation thereof; but no direction is by the said act given for bringing of such goods into a publick warehouse, as should be imported before the said nine and twentieth day of September: for remedy whereof, be it declared and enacted by the authority aforesaid, That such of the said prohibited goods as shall have been imported into this kingdom of England, dominion of Wales, or town of Berwick upon Tweed, before the thirtieth day of September, one thousand seven hundred and one, and shall not before that time be made up in apparel or furniture, shall be subject to the same rules and directions for bringing thereof into one or more publick warehouse or warehouses, and such other provisions as are by the said act given and directed, touching such of the said goods as shall be imported after the said twenty ninth day of September, one thousand seven hundred and one, so as the said goods be brought to such warehouse or warehouses, upon or before the tenth day of October, one thousand seven hundred and one.*

relating to
prohibited
goods ex-
plained.

CAP. XIII.

An act to enable his Majesty to make leases and copies of offices, lands and hereditaments, parcel of his duchy of Cornwall, or annexed to the same; and for confirmation of leases already made.

All leases, &c. made by Car. 2. Ja. 2. or W. & M. &c. of any offices, lands, &c. in the duchy of Cornwall, shall be good in law, &c. *Provido that they*

they exceed not the term of lives or years. Covenants, &c. in lease or grant, &c. good in law. Saving of right to all persons, &c. Tenant compounding for taking off any increased rent, &c. on payment of composition-money, increased rent to cease, &c. King may make any further grant of grounds, &c. being part of his manor of Greenwich, to the use of Greenwich hospital.

Anno Regni GULIELMI III. decimo tertio.

AT the parliament begun at Westminster the thirtieth ^{*Some editions have it, the} day of December, Anno Dom. 1701. in the thirteenth year of the reign of our sovereign lord William the Third, by the grace of God, of England, Scotland, France, and Ireland, King, defender of the faith, &c. and continued till the eighth day of March following, on which day be expired.

CAP. I.

An act for reviving and continuing an act, intituled, *An act for the appointing commissioners to take, examine, and determine the debts due to the army, navy, and for transport service, and also an account of prizes taken during the late war.* EXP.

CAP. II.

An act for punishing of officers and soldiers, that shall mutiny or desert in England or Ireland. EXP.

CAP. III.

An act for the attainder of the pretended prince of Wales of high treason.

WHEREAS the pretended prince of Wales hath, since the decease of the late King James, by the incitation and encouragement of the French King (being bred up and instructed to introduce the Romish superstition and French government into these your Majesty's kingdoms) openly and traiterously, with design to dethrone your Majesty, assumed the name and title of James the Third, King of England, Scotland, and Ireland, and caused himself to be so proclaimed in the kingdom of France, in manifest violation of your Majesty's most lawful and rightful title to the crown of these realms, and of the several acts of parliament made, as well for recognizing of the same, as for settling the succession of the crown, contrary to the duty of his allegiance; and to the disturbing of the peace of these your Majesty's kingdoms: to the end therefore that your Majesty's good and loyal people of England, assembled in parliament, may in the most solemn manner express their utmost resentment of so great an indignity done to your Majesty's most sacred person and government, and that the said traitor may be brought more certainly and speedily to condign punishment; may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

Pretended prince of Wales attainted of high treason.

parliament assembled, and by the authority of the same, That the said pretended prince of *Wales* stand and be convicted, attainted of high treason, and that he suffer pains of death and incur all forfeitures, as a traitor convicted and attainted of high treason.

King's subjects holding correspondence, &c. with him or with any employed by him, or remitting money for his use, guilty of high treason.

II. And for preventing traitorous correspondence between Majesty's subjects and the said pretended prince of *Wales*, or adherents; be it further enacted by the authority aforesaid, That if any of the subjects of the crown of *England*, from and after the first day of *March*, one thousand seven hundred and eighty, shall, within this realm or without, hold, entertain, or be any intelligence or correspondence in person, or by letters, messages, or otherwise, with the said pretended prince of *Wales*, or with any person or persons employed by him, knowing such person to be so employed, or shall by bill of exchange, or otherwise, remit or pay any sum or sums of money for the use or service of the said pretended prince of *Wales*, knowing such money to be for such use or service, such person so offending being lawfully convicted, shall be taken, deemed, and adjudged to be guilty of high treason, and shall suffer and forfeit as in cases of high treason.

Offences committed out of the realm may be tried in England.

III. And be it further enacted, That where any of the offences against this act shall be committed out of this realm, the same may be alledged, and laid, inquired of, and tried, in any county of this kingdom of *England*.

C A P. IV.

An act for continuing an act, intituled, An act that the solemn affirmation and declaration of the people called quakers, shall be accepted instead of an oath in the usual form.

7 & 8 W. 3.
c. 34.

WHEREAS *an act made in the seventh and eighth years of the present Majesty's reign, intituled, An act that the solemn affirmation and declaration of the people called quakers, shall be accepted instead of an oath in the usual form, was made to continue for seven years, and from thence to the end of the next sessions of parliament; and the same will expire at the end of the next session of parliament after the two and twentieth day of November next* now for the further avoiding the inconveniencies in the said act mentioned, to those people and their families, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act, with all the clauses and powers therein contained, shall continue and be in force for and during the term of eleven years after the determination of the said act, and from thence to the end of the next session of parliament.

continued for
11 years.

CAP. V.

An act for granting an aid to his Majesty, by laying duties upon malt, mum, cyder and perry. EX P. and the duties regranted by an act 1 *Annæ*, c. 3. s. 2.

XXXIV. **A**ND for the prevention of evil practices in brewing beer and ale with sugar, honey, foreign grains, *Guinea* pepper, or with a late invented liquor or syrup made from malt and water, boiled up to the consistency of mellasses, and very much resembling the same, and commonly called *essentia bine*, or with other unwholesome materials; and that no mixture of sugar, honey, foreign grains, *Guinea* pepper, or of the said liquor or syrup, or other unwholesome materials, may be used in the brewing or making of beer and ale; be it enacted, That from and after the said tenth day of *April*, no common brewer, innkeeper, victualler, or other retailer of beer and ale, shall make use of any sugar, honey, foreign grains, *Guinea* pepper, or of the said liquor or syrup, called *essentia bine*, *coccus Indiæ*, or any unwholesome materials or ingredients whatsoever, in the brewing or making of any beer or ale, or mix any sugar, honey, foreign grains, *Guinea* pepper, or any of the said liquor called *essentia bine*, *coccus Indiæ*, or any unwholesome materials or ingredients whatsoever, with any beer or ale in cask, after the same is cleansed, upon pain of forfeiting twenty pounds for every such offence.

CAP. VI

An act for the further security of his Majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.

WHEREAS by an act made in the first year of the reign of 1 W & M. c. your most excellent Majesty and your late royal consort Queen 2. s. 36. Mary, of ever blessed memory, intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown, it was enacted, established, and declared, That the crown and regal government of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, should be and continue to your said Majesties, and the survivor of you, during your joint lives, and the life of the survivor of your Majesties; and that after the decease of your Majesty and of the said late Queen Mary, the said crown and regal government should be and remain to the heirs of the body of the said late Queen; and for default of such issue, to her royal highness the princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of your Majesty: and whereas by one other act made in the twelfth year of your Majesty's reign, intituled, An act for the further limitation 12 W. 3. c. 2. of the crown, and better securing the rights and liberties of the subject, it was enacted, That the crown and regal government of the said kingdoms, and the dominions thereunto belonging, with the royal
state

state and dignity of the said realms, and all honours, stiles, titles, regalities, prerogatives, powers, jurisdictions and authorities, to the same belonging and appertaining, after the decease of your Majesty and of the said princess Anne of Denmark, and in default of issue of the said princess Anne of Denmark, and of your Majesty respectively, should be, remain, and continue to the most excellent princess Sophia, electress and dutchess dowager of Hanover, daughter of the most excellent princess Elizabeth late Queen of Bohemia, daughter of our late sovereign lord King James the First, and the heirs of the body of the said princess Sophia, being protestants: and whereas the French King, in hopes of disturbing the peace and repose of your Majesty and your kingdoms, and creating divisions therein, hath, since the making the said act, caused the pretended prince of Wales to be proclaimed in your Majesty's said Kingdom of France, by the name, stile and title of James the Third, King of England, Scotland, and Ireland, whereupon the said pretended prince hath assumed the said stile and title, in open defiance of the provisions made for the establishment of the title and succession of the crown, by the said several acts of parliament; on which said acts the safety of your Majesty's royal person and government, the continuance of the monarchy of England, the preservation of the protestant religion, the maintenance of the church of England as by law established, the security of the ancient and undoubted rights and liberties, and the future peace and tranquillity of this kingdom, do (under God) entirely depend: to the intent therefore that the said acts may be for ever inviolably preserved, and that all future questions and divisions by reason of any pretended titles to the crown may be prevented; we your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, do humbly beseech your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That all and every person and persons, as well peers as commoners, that shall bear any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his Majesty, or shall have command or place of trust from or under his Majesty, or from any of his Majesty's predecessors, or by his or their authority, or by authority derived from him or them, within the realm of England, dominion of Wales, or town of Berwick upon Tweed, or in his Majesty's navy, or in the several islands of Jersey and Guernsey, or shall be of the household or in the service or employment of his Majesty, or of his royal highness prince George, or her royal highness the princess Anne of Denmark, and all ecclesiastical persons, all members of colleges and halls in either university, that are or shall be of the foundation (being of the age of eighteen years) and all persons teaching pupils in either university, or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, and every person that shall act as a sear

All persons
having any
office &c. un-
der the King,

in England,
&c.

or in the ser-
vice of prince
George and
princess Anne,
and all eccle-
siastical per-
sons, &c.
practisers of
the law, &c.

cant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, by practising in any manner is such in any court or courts whatsoever, who shall inhabit, reside or be within the cities of *London* or *Westminster*, or within thirty miles distant from the same, on the first day of *Easter* term, which shall be in the year of our Lord one thousand seven hundred and two, or any time during the said term, shall personally appear before the end of the said term, or of *Trinity* term next following, in his Majesty's high court of *Chancery*, or in his Majesty's court of *King's-Bench*, *Common Pleas*, or *Exchequer*, and there in publick and open court, between the hours of nine of the clock and twelve in the forenoon, take the oath herein after mentioned; that is to say,

residing in London, &c. shall, in one of the courts of Westminster, in Easter term, &c.

take the following oath, &c.

[A. B. do truly and sincerely acknowledge, - profess, testify and declare, in my conscience before God and the world, That our sovereign lord King William is lawful and rightful King of this realm, and of all other his Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my conscience, that the person pretended to be prince of Wales, during the life of the late King James, and since his decease pretending to be and taking upon himself the stile and title of King of England, by the name of James the Third, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, That I will bear faith and true allegiance to his Majesty King William, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my best endeavour to disclose and make known to his Majesty and his successors all treasons and traitorous conspiracies, which shall know to be against him or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the limitation and succession of the crown, against him the said James, and all other persons whatsoever, as the same is and stands limited (by an act intituled, An act declaring the rights and liberties of the subject, and settling the succession of the crown) to his Majesty during his Majesty's life, and after his Majesty's decease, to the princess Anne of Denmark, and the heirs of her body, being protestants; and for default of such issue, to the heirs of the body of his Majesty, being protestants: and as the same by one other act, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject, is and stands limited after the decease of his Majesty and the princess Anne of Denmark, and for default of issue of the said princess, and of his Majesty respectively, to the princess Sophia, electress and dutchess dowager of Hanover, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever.

VOL. X.

D d

And

And I do make this recognition, acknowledgment, abjuration, nunciation and promise, heartily, willingly and truly, upon the faith of a christian.

So help me God

and subscribe the same.

Persons not having taken the oaths at Westminster, to take the same at the quarter sessions for the county where resident, &c.

and subscribe their names.

Persons admitted into offices civil or military shall take the said oath,

and all ecclesiastical persons, &c.

Practisers of the law, &c.

II. Unto which oath so taken, every such person so taking same shall subscribe or make his name or mark, and during time of taking the said oath, all pleas and proceedings in said respective courts shall cease, and all and every the said respective persons and officers, not having taken the said oath, & subscribed the same as aforesaid, shall on or before the first of *August*, in the year of our Lord one thousand seven hundred and two, at the general or quarter sessions for that county, riding, liberty, city, borough, town corporate, or place where or they shall be, inhabit or reside, on the twentieth day of *May* in the year of our Lord one thousand seven hundred and two take the said oath in open court, between the said hours of nine and twelve of the clock in the forenoon, and subscribe his name, or make his mark under the same as aforesaid.

III. And be it further enacted by the authority aforesaid That all and every person and persons that shall be admitted, entred, placed or taken into any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his Majesty, or shall have command or place of trust from or under his Majesty, or by his authority, or by authority derived from him, within this realm of *England*, dominion of *Wales*, town of *Berwick upon Tweed*, or in his Majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or that shall be admitted into any service or employment in his Majesty's household or family, or of his royal highness prince *George*, or of her royal highness the princess *Anna of Denmark*, after the said first day of *Easter* term aforesaid, shall take the said oath at the same time that he or they shall make and subscribe the declaration mentioned in a statute made in the five and twentieth year of the reign of his late Majesty King *Charles the Second*, intituled, *An act for preventing dangers which may happen from popish recusants*, and all ecclesiastical persons, and members of colleges and halls in either university, that are or shall be of the foundation, being of, or as soon as they shall attain the age of eighteen years, and all persons teaching pupils in either university, or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, by practising in any manner as such in any court or courts whatsoever, who shall, at any time after the first day of *Easter* term aforesaid, be admitted into, or enter upon any of the beforementioned preferments, benefices, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid, shall, within three months after he or they shall be admitted into,

, or enter upon any such preferment, benefice, office, or
e; or come into such capacity; or take upon him or them
a practice, employment or business as aforesaid, take and
subscribe the said oath in one of the said courts at *Westminster*;
at the general quarter sessions of the county, city or place,
where he or they shall reside.

V. Provided, That nothing in this act contained shall extend to any person now beyond the seas, who by virtue of this act ought to take the said oath, so as such person do, within three months after his return into *England*, take the said oath, and subscribe thereunto, according to the appointment of this

Person beyond sea to take the oath in three months after return.

VI. And be it further enacted by the authority aforesaid, that all and every the person and persons aforesaid, that do or shall neglect or refuse to take the said oath, and subscribe thereas aforesaid, in the said courts and places, and at the respective times aforesaid, shall be *ipso facto* adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy the said office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them or any of them; and every such office or place, employment and employments shall be void, and is hereby adjudged void.

Penalty on person refusing or neglecting to take the oath

VI. And be it further enacted, That all and every such person and persons who shall neglect and refuse to take the said oath within the times, and at the places aforesaid, and yet afterwards neglect or refusal shall by himself or themselves, his or their deputy or trustee, execute any of the said offices or employments, after the said time is expired, wherein he or they ought to have taken the said oath, and being thereof lawfully convicted in or upon any information, presentment, or indictment in any of the King's courts at *Westminster*, or at the sessions, every such person or persons shall be disabled from henceforth to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to be in any office within this realm of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any action of debt, suit, bill, plaint, or information, in any of his Majesty's courts at *Westminster*, wherein no esoin, protection, or wager of law shall lie.

and afterwards executing any office, &c.

VII. And be it further enacted, That it shall and may be lawful to and for the respective courts aforesaid to give and administer the oath aforesaid to the person and persons aforesaid; and upon due tender of any person or persons to take the said oath, the said courts are hereby required and enjoined to administer the same; of the taking and subscribing whereof the like register shall be kept, as by the said act made in the five and

Courts of Westminster to administer the oath, &c. Manner of subscribing the same.

twentieth year of the reign of King *Charles* the Second was directed to be kept, of the subscribing the declaration therein mentioned.

Persons forfeiting office by neglect, &c. may have a new grant thereof, on taking the oath.

Persons on board the fleet, &c. to take the oath in three months after return.

No peer or member of the house of commons shall vote or sit in either house, unless he take the oath, &c.

Penalty on peer or member, &c.

VIII. Provided always, That any person who by any neglect or refusal, according to this act, shall lose or forfeit any office, may be capable of a new grant of the said office, or of any other, and have and hold the same again, such person taking the said oath in such manner as aforesaid, so as such office be not granted to, or actually enjoyed by, some other person at the time of the regranting thereof.

IX. Provided also, That nothing herein contained shall be construed to extend to any person in his Majesty's service on board the fleet, or beyond the seas, or who shall go beyond the seas in his Majesty's service before the twentieth day of *May*, in the year of our Lord one thousand seven hundred and two, so as such person take the said oath, and subscribe thereunto, as aforesaid, according to the appointment of this act, within three months after his return into *England*.

X. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and two, no person that now is, or hereafter shall be, a peer of this realm, or member of the house of peers, shall vote or make his proxy in the house of peers, or sit there during any debate in the said house of peers; nor any person that now is, or hereafter shall be a member of the house of commons, shall vote in the house of commons, or sit there during any debate in the said house of commons, after their speaker is chosen, until such peer or member shall from time to time respectively take the oath aforesaid, and subscribe the same in manner following (that is to say) the said oath shall be in this and every succeeding parliament solemnly and publicly made and subscribed, between the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there, with their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting, with their speaker in his chair.

XI. And be it further enacted, That if any person that now is, or hereafter shall be, a peer of this realm, or member of the house of peers, or member of the house of commons, in this or any succeeding parliament, shall, after the said five and twentieth day of *March*, presume to vote, or make his proxy not having taken the said oath, and subscribed the same, as aforesaid, every such peer or member so offending shall from thenceforth be deemed and adjudged a popish recusant convict to all intents and purposes whatsoever, and shall forfeit and suffer as a popish recusant convict, and shall be disabled to hold or execute any office or place of profit or trust, civil or military.

in any of his Majesty's realms of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick upon Tweed*, or in any of his Majesty's islands or foreign plantations to the said realms belonging, and shall be disabled from thenceforth to sit or vote in either house of parliament, or make a proxy in the house of peers, or to sue or use any action, bill, plaint, or information, in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit for every wilful offence against this act the sum of five hundred pounds, to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt, suit, bill, plaint, or information, in any of his Majesty's courts at *Westminster*, wherein no essoin, protection, or wager of law shall lie.

XII. Provided always, That neither this act, nor any thing therein contained, shall extend, be judged, or interpreted to take away or make void, any office of inheritance, so as such person or persons having an office of inheritance do or shall substitute and appoint his or their deputy or deputies, according to a proviso in the act made in the five and twentieth year of the reign of King *Charles the Second* (intituled, *An act for preventing dangers which may happen from popish recusants*) and so as such deputy or deputies do take and subscribe the oath in and by this present act required and expressed, and so as such deputy or deputies be from time to time approved of by the King's majesty, under his privy signet.

Act not to vacate any office of inheritance, &c.

25 Car. 2. c. 2.

XIII. And be it further enacted, That it shall and may be lawful to and for any person or persons lawfully authorized to administer or tender the oaths, mentioned and appointed to be taken by an act of parliament made in the first year of the reign of his present Majesty and of the late Queen, intituled, *An act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*, to administer and tender the oath herein before appointed to be taken, to any person or persons whatsoever; and if any person or persons, to whom the said oath shall be so tendered, shall neglect or refuse to take the same, the person and persons tendering the said oath shall certify the refusal thereof to the next quarter sessions of the county, riding, liberty, borough, town corporate, or place, in which such refusal shall be made; and the said refusal shall be recorded amongst the rolls of that sessions, and shall be from thence certified by the clerk of the peace of such county, riding, liberty, borough, town corporate, or place, into his Majesty's court of *Chancery* or King's *Bench*, there to be recorded amongst the rolls of the said courts, in a roll or rolls, there to be provided and kept for that purpose only.

Persons authorized to administer the oath.

1. W. & M. 2. c. 8.

Refusals to be recorded.

XIV. Provided always, That this act, or any thing therein contained, shall not extend to the office of any high constable, petty constable, tithingman, headborough, overseer of the poor, churchwardens, surveyors of the highways, or any like inferior

Not to extend to high or petty constables, &c.

inferior civil office, or to any office of forester, or keeper any park, chase, warren, or game, or bailiff of any manor lands, nor to any like private offices, nor to any person or persons having only any the before mentioned or the like offices

High treason to compass or imagine the death of the prince Anne of Denmark, &c.

XV. And be it further enacted by the authority aforesaid That if any person or persons, at any time after the five and twentieth day of *March*, one thousand seven hundred and ten shall compass or imagine the death of her royal highness the prince Anne of Denmark, or endeavour to deprive or hinder her from succeeding to the imperial crown of this realm, and the dominions and territories thereunto belonging, after the demise of his Majesty, (whom God long preserve) and the like maliciously, advisedly, and directly shall, attempt, by any one act or deed, every such offence shall be adjudged high treason and the offender and offenders therein, their abettors, procurers, and counsellors, and all and every their aiders and comforters, knowing the said offence to be done, being there convicted or attainted according to the laws and statutes of the realm, shall be deemed and adjudged traitors, and shall suffer pains of death, and all losses and forfeitures, as in cases of high treason.

7 W. 3. c. 27.

XVI. And whereas by an act made in the seventh year of the reign of his present Majesty, intituled, An act for the better security of his Majesty's royal person and government, the persons therein mentioned were obliged to subscribe the association therein contained whereby the persons subscribing the same do, amongst other things, mutually promise and engage to stand by and assist each other to the utmost of their power, in the support and defence of his Majesty's most sacred person and government, against the late King James and all his adherents: and whereas by the death of the said late King James the said clause is become useless; be it therefore enacted by the authority aforesaid, That from and after the said five and twentieth day of *March*, there shall be omitted and left out of the said association these words [*against the late King James and all his adherents*] and in the room and place thereof there shall be inserted these words [*against all his Majesty's enemies whatsoever.*]

Words to be omitted in the Association; others inserted.

See cap. 8. §. 7.

Anno primo ANNÆ Reginae. Stat. 1,

CAP. VII.

An act for the better support of her Majesty's household, and of the honour and dignity of the crown.

Most gracious Sovereign,

For the continuance and increase of the duties granted by this act, see 2 & 3 Annæ, c. 9. 4 Annæ, c. 6. 5 Annæ, c. 19. 1 Geo. 1. stat. 1. c. 1. 1 Geo. 1. stat. 2. c. 12. §. 8.

WHEREAS by an act of parliament made in the second year of the reign of your Majesty's royal brother and sister, the late sovereign lord and lady King William and Queen Mary, (the

bill)

bleſſed memory) intituled, An act for granting to their Maſteſties ^{W. & M. ſt.} for their lives, and the life of the ſurvivor of them, certain im-^{1. c. 3.} poſitions upon beer, ale, and other liquors, it was amongſt other things enacted, That the ſeveral, rates, duties, and impoſitions upon beer, ale, cyder, and other liquors, mentioned in an act of parliament made in the twelfth year of the reign of your Maſteſty's royal uncle King Charles the Second, intituled, A grant of certain impoſiti-^{12 Car. 2.} ons upon beer, ale, and other liquors, for the increaſe of his ^{c. 23.} Maſteſty's revenues, during his life, and thereby granted to the ſaid late King Charles the Second for his life, ſhould be levied, collected, and paid to their ſaid late Maſteſties, King William and Queen Mary, during their lives, and the life of the ſurvivor of them, in ſuch manner and form as by the ſaid firſt mentioned act is expreſſed : and whereas by an act made in the ninth year of the reign of his ſaid late Maſteſty King William, intituled, An act for granting to his Maſteſty a further ſubſidy of tunnage and poundage, towards ^{W. 3. c. 23.} raiſing the yearly ſum of ſeven hundred thouſand pounds, for the ſervice of his Maſteſty's houſhold, and other uſes therein mentioned, during his Maſteſty's life, ſeveral ſubſidies of tunnage and poundage, and other duties upon the ſeveral and reſpective wines, goods, and merchandizes, in the ſame act particularly mentioned, were granted to his ſaid late Maſteſty King William, from the laſt day of January, which was in the year of our Lord one thouſand ſix hundred ninety and nine, during his Maſteſty's life, for the uſes and purpoſes therein mentioned : and whereas by an act of parliament made in ^{10 W. 3. c. 21.} the tenth year of the reign of his ſaid late Maſteſty King William, for laying further duties upon ſweets, and for leſſening the duties upon vinegar, and other things therein mentioned, all former duties charged upon vinegar, vinegar beer, and liquors preparing for vinegar, were determined ; and it was thereby (amongſt other things) enacted, That from and after the ſaid tenth day of May, one thouſand ſix hundred ninety nine, there ſhould be paid for and upon every barrel of vinegar, vinegar beer, or liquor preparing for vinegar, which ſhould be brewed or made of any Engliſh or foreign materials, by any perſon or perſons whatſoever, for ſale, and ſo in proportion for a greater or leſſer quantity, the ſum of eight ſhillings ; and that ſix pence, part of the ſaid duty of eight ſhillings for every barrel of vinegar, vinegar beer, or liquor preparing for vinegar, ſhould be raiſed and paid to his ſaid late Maſteſty King William during his life (in lieu of a duty of ſix pence charged on every barrel of vinegar beer by the ſaid firſt mentioned act) and ſhould be paid, applied, and diſpoſed of, to and for the ſame uſes and purpoſes, as the duties granted by the ſame act were directed to be applied and diſpoſed of : and whereas by an act made in the twelfth year of the reign of his ſaid late Maſteſty King William, ^{12 W. 3. c. 11.} intituled, An act for appropriating three thouſand ſeven hundred pounds weekly out of certain branches of exciſe, for publick uſes, and for making a proviſion for the ſervice of his Maſteſty's houſhold and family, and other his neceſſary occaſions, it was amongſt other things enacted, That from and after the five and twentieth day of December, one thouſand ſeven hundred, for and during the whole term of five years from thence next and immediately enſuing,

12 Car. 2.
c. 24.

the full, clear, and intire weekly sum of three thousand seven hundred pounds, of lawfull English money, out of all the monies arising by the hereditary rates and duties of excise, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and are mentioned in the act last recited, and by the said duties of excise payable during his Majesty's life, and by every or any of them, if all those duties of excise should so long continue; and if the said duties of excise, payable during his Majesty's life, should happen to determine before the end of the said term of five years, then out of the monies arising intirely by the said hereditary duties of excise, for and during all the residue which should be then to come and unexpired of the said term of five years, should be brought and paid into the receipt of the Exchequer, by such severall and respective weekly payments, and in such manner and form, as in the said act are particularly mentioned, for the purposes by the said act directed: and it is thereby further enacted, That all the rest and residue of the said particular branches of excise upon beer, ale, and other liquors, which should from time to time remain after the said weekly payments should be made out of the same, and the revenue arising in the general letter office or post office, or the office of post master general, and by the said further subsidy of tunnage and poundage, and by the small branches of his Majesty's revenues herein after particularly expressed, that is to say, The first fruits and tenths of the clergy, the fines for writs of covenant and writs of entry, payable in the alienation office, the post fines, the revenue of wine licences, the monies arising by sheriffs proffers and compositions in the Exchequer, and by seizures of uncustomed and prohibited goods, the revenue of the duchy of Cornwall, and any other revenue arising by the rents of land in England and Wales, and for fines of leases of the same, or any of them, and the duty of four and an half per centum in specie arising in Barbadoes and the leeward islands in America, and all other the branches and revenues therein mentioned, which were before chargeable with the yearly sum of seven hundred thousand pounds therein expressed, should from time to time, during the life of his said late Majesty King William, be for the use and service of his said late Majesty's household and family, and for other his necessary expences and occasions: and it is thereby further enacted, That in lieu and discharge of certain perpetual annual payments, and of all arrears thereof, granted by his late Majesty King Charles the Second, by letters patent, out of the said hereditary revenue of excise, in satisfaction of certain principal sums mentioned in the said letters patent, to be then due from his said late Majesty King Charles the Second, to the respective patentees therein named, the said hereditary revenue of excise should, from and after the twenty sixth day of December, one thousand seven hundred and five, be and stand charged and chargeable for ever with the payment of the annual sums, after the rate of three pounds per centum per annum, for the principal sums mentioned in the said respective letters patent, to be issued and paid out of the said revenue by quarterly payments out of the receipt of his Majesty's Exchequer, by the officers of the same, unto the respective owners and proprietors of such annual sums, and to their heirs and assigns for ever, in the manner in the same act mentioned; the said annual payments,

after

after the rate of three pounds per centum, to be subject notwithstanding to be redeemed upon payment of the moiety of the principal monies mentioned in the said respective letters patent; as by the several acts afore recited (relation being thereunto respectively had) may more fully appear: now we your Majesty's most dutiful and loyal subjects, the commons of England in parliament assembled, well knowing that the security, peace, and prosperity of your Majesty's realms and dominions are concerned in supporting the honour of the crown of England, by settling a revenue suitable to the necessary expences of the same; and with due gratitude to almighty God (by whose goodness your Majesty happily succeeds to the royal dignity of these realms after a King that constantly maintained the true religion, laws and liberties therein established) reflecting upon your Majesty's most excellent disposition to preserve and continue your people in the full and free enjoyment of the same religion, laws and liberties, and of all other blessings which good subjects can hope for in the most auspicious reign, whereby our hearts are inflamed with a dutiful affection to your Majesty; and being desirous of settling upon your Majesty, for the expences of your civil government, a revenue equal at least to the revenue enjoyed for that purpose by any of your royal predecessors, to make a special acknowledgment to your Majesty for your great grace and favour to us your commons, have therefore freely and unanimously resolved to give and grant, and do hereby give and grant to you our most gracious sovereign lady Queen Anne (whom God long preserve) the several rates, duties, impositions and charges herein after mentioned, during your Majesty's life; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the ninth day of March, in the year of our Lord one thousand seven hundred and one, for and during the term of the natural life of her Majesty Queen Anne (whom God long preserve) the said rates and duties of excise upon beer, ale and other liquors, granted to his said late Majesty King Charles the Second, by the said act made in the twelfth year of the reign of his said late Majesty King Charles the Second, intituled, *A grant of certain impositions upon beer, ale and other liquors, for the increase of his Majesty's revenue during his life*, and which were granted to his late Majesties King William and Queen Mary, by the said act made in the second year of their reign, for their lives, and the life of the survivor of them (other than and except the said duty of six pence for every barrel of vinegar beer granted by the same acts) and also the said duty of six pence, part of the said duty of eight shillings, granted to his late Majesty King William, for and upon every barrel of vinegar, vinegar beer, or liquor preparing for vinegar, which shall be brewed or made of any English materials by any person or persons whatsoever for sale, and so in proportion for a greater or lesser quantity, by the said act

Duties granted for the Queen's life, viz.

Excise on beer, ale, &c. granted to King William and Queen Mary for life, &c.

12 Car. 2. c. 23.
2 W. & M. ff.
1. c. 3.

(Except 6d. a barrel on vinegar beer) and 6d. part of the duty of 8s. per barrel for vinegar, &c. granted by 10 W. 3. c. 21.

act

In what manner duties shall be levied.

All laws of excise to be in force.

Tonnage and poundage continued.

9 W. 3. C. 23.

Duties of excise, post office, &c. shall be for the support of the Queen's household, &c.

act made in the tenth year of his reign, shall be levied, collected and paid to her Majesty, in the same manner and form, and by such rules, ways, means, and methods, and under such penalties and forfeitures, as are mentioned and expressed in the before mentioned acts, or any of them, relating to the said duties of excise, or any of them, or by any other law now in force relating to the revenue of excise; and that all and every the said laws relating to the revenue of excise shall be of full force and effect to all intents and purposes, for the levying, receiving, ascertaining and recovering the said duties of excise upon beer, ale and other liquors hereby granted, in the same manner as if the same were repeated and enacted in the body of this present act.

II. And be it further enacted by the authority aforesaid, That the said further subsidies of tonnage and poundage, and other duties upon wines, goods and merchandizes, granted by the said act made in the ninth year of the reign of his said late Majesty King *William*, shall, from and after the said ninth day of *March*, during her Majesty's life, be raised, levied, collected, paid and satisfied unto her Majesty, by the same ways, means and methods, and by the same rules and directions, and with the same allowances, as are mentioned in the same act made in the ninth year of the reign of his said late Majesty King *William*; and the same act, and every article, rule, and clause therein contained, or thereby referred to, so far as the same relates to the raising, levying, collecting and making allowances out of the said subsidies and other duties, shall be of full force and effect to all intents and purposes, during her Majesty's life, as if the same were particularly and at large repeated and set down in the body of this act.

III. And it is hereby enacted and declared, That the said hereditary rates and duties of excise upon beer, ale and other liquors, and the said duties of excise upon beer, ale and other liquors, hereby granted to her Majesty for the term of her life (subject nevertheless to the incumbrances herein after mentioned) and the said revenue of the general letter office or post office, or the office of post master general, and the said small branches of her Majesty's revenue (that is to say) The first fruits and tenths of the clergy, the fines for writs of covenant and writs of entry, payable in the alienation office, the post fines, the revenue of the wine licences, the monies arising by sheriffs proffers and compositions in the Exchequer, and by the seizures of uncustomed and prohibited goods, the revenue of the duchy of *Cornwall*, and any other revenue arising by the rents of lands in *England* and *Wales*, or for fines for leases of the same, or any of them, and the monies arising by the said further subsidies of tonnage and poundage, and other duties hereby granted, and all other the branches and revenues which were chargeable with the said yearly sum of seven hundred thousand pounds (the said duty of four and an half *per centum* in specie arising in *Barbadoes* and the *Leeward Islands* in *America*, always excepted and fore-prized)

prized) shall be for the support of her Majesty's household, and of the honour and dignity of the crown; yet nevertheless the said hereditary rates and duties of excise upon beer, ale and other liquors, and the said rates and duties of excise upon beer, ale and other liquors, hereby granted to her Majesty, during her life, and every of them, shall be liable and subject to the said weekly payment of three thousand seven hundred pounds, according to the tenure and effect of the said act of parliament, made in the twelfth year of the reign of his said late Majesty King William, in the same manner as the said hereditary rates and duties of excise, and the said rates and duties of excise which were granted in the second year of the reign of their said late Majesties and every of them, jointly or severally, would have been liable to the same weekly payment, if his said Majesty had continued in this life, during the said term of five years; any thing herein contained to the contrary thereof in any wise notwithstanding.

Duties of excise subject to the weekly payment of 3,700l. for 5 years from 1700.

12 W. 3. c. 12.

2 W. & M. ft. 1. c. 3.

IV. Provided also, and it is hereby enacted and declared, That from and after the expiration of the said term of five years, so much money as together with the said payments, after the rate of three pounds *per centum per annum*, then to commence and to be applied for satisfaction of the said patentees, and those claiming under them, as aforesaid, shall make up the sum of three thousand seven hundred pounds for every week, during her Majesty's life, shall and may be taken out of the said hereditary rates and duties of excise, and out of the rates and duties of excise hereby granted to her Majesty for her life, and either or any of them; and the said payments after the rate of three pounds *per centum per annum*, being deducted out of the hereditary part thereof, the residue of the said three thousand seven hundred pounds *per week*, be applied and disposed of to and for the publick use and service; any thing herein contained to the contrary notwithstanding.

After expiration of the said 5 years, how to be applied.

For the farther application of the duty arising by this act, see 12 Annæ, stat. 1. c. 11. s. 27.

V. And whereas the necessary expences of supporting the crown, or the greatest part of them, were formerly defrayed by a land revenue, which hath from time to time been impaired and diminished by the grants of former Kings and Queens of this realm, so that her Majesty's land revenues at present can afford very little towards the support of her government; nevertheless from time to time, upon the determination of the particular estates, whereupon many reversioners and remainders in the crown do now depend or expect, and by such lands, tenements and hereditaments as may hereafter descend, escheat, or otherwise accrue or come to her Majesty, her heirs or successors, the land revenues of the crown, in fines, rents, and other profits thereof, may hereafter be increased, and consequently the burthen upon the estates of the subjects of this realm may be eased and lessened in all future provisions to be made for the expences of the civil government: To the end therefore that the land revenues of the crown may be preserved, improved and increased for the best advantage thereof, be it enacted and declared by the authority aforesaid, That all and every grant, lease, or other assurance, which from and

For preserv-
ing, &c. the
land revenue
of the crown,
no grant shall
be made of
any manors,
lands, &c. be-
longing to the
crown, unless
for 31 years or
3 lives, &c.

and after the five and twentieth day of *March*, in the year
our Lord one thousand seven hundred and two, shall be ma-
or granted by her Majesty, her heirs or successors, Kings
Queens of this realm, under the great seal of *England*, Exch-
quer seal, seals of the duchy and county palatine of *Lancaster*
or any of them, or by copy of court roll or otherwise how-
ever, of any manors, messuages, lands, tenements, rents, tithes
woods, or other hereditaments, (advowsons of churches and
vicarages only excepted) within the kingdom of *England*, do-
minion of *Wales*, or town of *Berwick upon Tweed*, or any
them, or any part thereof, now belonging or hereafter to be-
long to her Majesty, her heirs or successors, or to any other
person or persons in trust for her Majesty, her heirs or successors,
in possession, reversion, remainder, use or expectancy, where-
the same be or shall be in right of the crown of *England*, or a
part of the principality of *Wales*, or of the duchy or county
palatine of *Lancaster*, or otherwise howsoever, to any person or
persons, body politic or corporate whatsoever, whereby any
estate or interest whatsoever, in law or equity, shall or may pass
from her Majesty, her heirs or successors, shall be utterly void
and of none effect, unless such grant, lease, or assurance be
made for some term or estate, not exceeding one and thirty
years, or three lives, or for some term of years determinable
upon one, two, or three lives; and unless such grant, lease or
assurance respectively, be made to commence from the date of
making thereof; and if such grant, lease or assurance, be made
to take effect in reversion or expectancy, that then the same,
together with the estate or estates in possession of and in the
premises therein contained, do not exceed three lives, or the
term of one and thirty years in the whole; and unless such
grant, lease or assurance respectively be so made, that the ten-
ant be liable to punishment for waste; and unless there be re-
served upon every such grant, lease or assurance respectively, the
ancient or most usual rent, or more, or such rent as hath been
reserved, yielded, and paid for such of the said manors, messu-
ages, lands, tenements, rents, tithes, or other hereditaments, as
shall be therein contained, for the greater part of twenty years
before the making thereof; and where no such rent shall have
been reserved or payable, that then upon every such grant, lease,
or assurance, there be reserved a reasonable rent, not being un-
der the third part of the clear yearly value of such of the said
manors, messuages, lands, tenements, tithes, or other heredi-
taments, as shall be contained in such lease or grant; and unless
such respective rents be made payable to her Majesty, her heirs
or successors, who shall make such lease or grant, and to her or
their heirs or successors, during the whole term or time of the
continuance thereof respectively.

Tenant pun-
ishable for
waste.
ancient rent
reserved, &c.

and payable to
the Queen, &c.

Tenements,
&c. belonging
to the crown,
and wanting
reparation,

VI. Provided always, and it is hereby enacted and declared
by the authority aforesaid, That from time to time, where the
greatest part of the yearly value of any tenements or heredita-
ments belonging, or hereafter to belong, to her Majesty, her
heirs

heirs or successors, doth or shall, at the time of making any lease or grant thereof, consist of the building or buildings thereupon, which may want to be repaired or re-edified, in all and every such case and cases, to encourage the rebuilding or reparation thereof, it shall and may be lawful to and for her Majesty, her heirs and successors, at any time after the said five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and two, to demise or grant such tenements or hereditaments to any person or persons for any term or estate, so as such term or estate do not exceed fifty years, or three lives, and so as such lease or grant be made to commence from the date or making thereof; or if such grant or lease be made to take effect in reversion or expectancy, that then the same, together with the estate or estates in possession, of and in the same tenements or hereditaments, do not exceed fifty years, or three lives, from the date or making, as aforesaid, and so as the same be not made dispendible of waste, and so as there be reserved and payable upon every such lease or grant, during such term, not exceeding fifty years, or three lives, as much rent as is by this act required to be reserved for the same tenements or hereditaments respectively, in case of a lease, not exceeding one and thirty years, or three lives, as aforesaid, and not otherwise; any thing herein contained to the contrary notwithstanding.

or to be re-edified, &c.
Queen may grant such tenements for 50 years or 3 lives, &c.

not dispendible of waste; and rent reserved to be paid.

VII. And to the intent the inheritance which her Majesty hath of and in the said hereditary duties of excise upon beer, ale, and other liquors, and of and in the said revenue arising in the said general letter office or post office, and in the small branches of her Majesty's revenue herein after mentioned (that is to say) The first fruits and tenths of the clergy, the fines for writs of covenant and writs of entry, payable in the alienation office, the post fines, the revenue of the wine licences, and the revenue arising by sheriffs proffers, and compositions in the Exchequer, and by seizures of uncustomed and prohibited goods, may be preserved in the crown, for the future benefit thereof; be it further enacted and declared by the authority aforesaid, That the said hereditary duties of excise, and the said revenue arising in the said general letter office or post office, and the said small branches of her Majesty's revenue last mentioned, or any of them, or any part thereof, shall not hereafter be alienable or grantable by her Majesty, her heirs or successors, for any estate or term whatsoever, to endure longer than the life of her Majesty, or of such King or Queen as shall make such alienation or grant respectively; and that all gifts, grants, alienations, leases, and assurances whatsoever, to be had or made of any the said manors, messuages, lands, tenements, rents, tithes, or other hereditaments, or of any the said revenues or branches, or any part thereof, contrary to the provisions of this act, or any of them, shall be null and void, without any inquisition, *Scire facias*, or other proceeding, to determine or make void the same.

Duties, &c. hereby granted not alienable by the crown, &c.

Grants, &c. made contrary to this act void.

VIII. Pro-

The like on
the Queen's
death, &c.

continue and remain in full force and virtue, to be proceeded upon in like manner as if his said Majesty were living.

IV. And be it further enacted, That no writ, plea, or process, or any other proceeding upon any indictment or information for any offence or misdemeanor, or any writ, process, proceeding, for any debt or account that shall be due or to be made to her Majesty, her heirs or successors, for or concerning any lands, tenements, or other revenue that shall belong to her or them, that shall be depending at the time of her Majesty's demise (whom God long preserve) or of any of her heirs or successors, shall be discontinued or put without day, by reason of her or any of their deaths or demises, but shall continue and remain in full force and virtue, to be proceeded upon notwithstanding any such death or demise.

No proceedings in any
court of equity, &c. to
cease;

V. And be it further enacted by the authority aforesaid, That no commission of association, writ of admittance, or *Si non omnes*, original writ, writ of *Nisi prius*, writ of assistance, nor any commission, process, or proceedings whatsoever, in or issuing out of any court of equity, nor any process or proceeding upon any office or inquisition, nor any writ of *Certiorari* or *Habeas Corpus*, in any matter or cause either criminal or civil, nor any writ of attachment or process for contempt, nor any commission of delegacy or review, for any matters ecclesiastical, testamentary, or maritime, or any process thereupon, shall be determined, abated, or discontinued by the demise of the said late King, but all and every such writ, commission, process, and proceedings, shall be and are hereby revived and continued, and shall be in full force and virtue, and shall and may be proceeded upon as if his late Majesty were living; nor hereafter by the demise of her present Majesty, or any King or Queen of this realm, shall any commission of assize, *oyer and terminer*, general gaol delivery, or of association, writ of admittance, writ of *Si non omnes*, writ of assistance, or commission of the peace, be determined; but every such commission and writ shall be and continue in full force and virtue, for the space of six months next ensuing, notwithstanding any such demise, unless superseded and determined by her Majesty, her heirs or successors: and also no original writ, writ of *Nisi prius*, commission, process, or proceedings whatsoever, in or issuing out of any court of equity, nor any process or proceeding upon any office or inquisition, nor any writ of *Certiorari* or *Habeas Corpus* in any matter or cause, either criminal or civil, nor any writ of attachment, or process for contempt, nor any commission of delegacy or review, for any matters ecclesiastical, testamentary, or maritime, or any process thereupon, shall be determined, abated, or discontinued, by the demise of her Majesty, or any King or Queen of this realm; but every such writ, commission, process, and proceeding, shall remain in full force and virtue, to be proceeded upon, as if her Majesty, or such other King or Queen had lived, notwithstanding any such death or demise.

but be continued,

nor hereafter
by her Majesty's death,

but be in force
for 6 months.

VI. And

VI. And be it further enacted, That all and singular the Acts to extend provisions, clauses, matters and things whatsoever contained to Ireland, in this act, and in that part of the act made in the seventh year of the reign of the late King, which is recited in this present act, shall extend, and be construed to extend to the kingdom of Ireland, to the islands of *Jersey* and *Guernsey*, and to all her Majesty's dominions in *America* and elsewhere.

VII. And be it further enacted and declared by the authority and to commence from 8 March, 1701, That this present act, and all other acts to which the royal assent shall be given after the eighth day of *March*, one thousand seven hundred and one, and before the end of this present session of parliament, shall commence and begin, and be taken, construed and adjudged in law, to commence and begin upon the said eighth day of *March*, one thousand seven hundred and one, unless in such acts some other time for commencement thereof be specially limited and appointed.

CAP. IX.

An act for continuing the act made in the eighth year of his late Majesty's reign, for better preventing the counterfeiting the current coin of this kingdom.

WHEREAS an act of parliament made in the eighth year of his late Majesty's reign, intituled, An act for the better preventing the counterfeiting the current coin of this kingdom, was, by a clause in another act made in the ninth year of his said Majesty's reign, continued in force unto the five and twentieth day of March, one thousand seven hundred and one, and from thence to the end of the next session of parliament: and whereas the said act hath been found of good use, for suppressing the counterfeiting the current coin of this kingdom by such tools and instruments as are therein prohibited: be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this parliament assembled, and by the authority of the same, That the said act made in the eighth year of his late Majesty's reign, and every article and clause therein contained, shall from henceforth continue and be in force until the five and twentieth day of *March*, which shall be in the year of our Lord one thousand seven hundred and nine, and from thenceforth unto the end of the first session of parliament then next ensuing, and no longer.

II. And whereas in the aforesaid act it is ordained, That no prosecution shall be made for any offence against the said act, unless such prosecution be commenced within three months after such offence committed: be it further enacted by the authority aforesaid, That the prosecution of such person or persons as offend against the said act, by making or mending, or beginning, or proceeding to make or mend any coining tool or instrument therein prohibited, or by marking of money round the edges with letters or grainings, may be commenced at any time within six months

continued till 1709.

Offenders may be prosecuted in 6 months after offence. 7 Ann. c. 25. §. 2.

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after

after such offence committed; any thing in the said act to the contrary in any wise notwithstanding.

22 W. 3. c. 4.

III. And whereas by an act of the last parliament, in the twelfth year of his late Majesty's reign, intituled, An act for appointing wardens and assay masters, for assaying wrought plate in the cities of York, Exeter, Bristol, Chester, and Norwich, the said cities of York, Exeter, Bristol, Chester, and Norwich, were appointed for the assaying and marking of wrought plate, and for executing the powers, authorities, and directions given by the said act: and whereas in and by the said act of parliament it was further enacted, That all and every goldsmith, silversmith, and plate-worker, inhabiting in any town or place where any assayer is not, or shall not be appointed, shall bring all his or their wrought plate to some of the said cities or places to be assayed and marked, upon penalty of forfeiture of all such plate or manufacture of silver, or the value thereof, as shall be sold or exchanged before the same be marked and assayed: and whereas in the town of Newcastle upon Tyne there is, and time out of mind hath been, an ancient company of goldsmiths, which, with their families, by the said penalty are like to be ruined, and the said trade utterly lost in the said town: and whereas by the statute of the second

2 Hen. 6. c. 14.

Newcastle upon Tyne appointed one of the places for marking wrought plate, &c.

of Henry the Sixth, the town of Newcastle upon Tyne is one of the places appointed to have touches for wrought silver plate; be it therefore enacted by the authority aforesaid, That the town of Newcastle upon Tyne be and is hereby appointed for the assaying and marking of wrought plate, and for executing the several powers, authorities, and directions mentioned and contained in and by the said act of the twelfth year of our said late sovereign lord King William, as fully and amply, to all intents, constructions and purposes, as if the said town had been expressly named in the said act.

Goldsmiths, &c. of Newcastle incorporated a company, &c.

IV. And be it further enacted by the authority aforesaid That the goldsmiths, silversmiths, and plate-workers, who are or shall be freemen of, and inhabiting in the said town of Newcastle, and having served an apprenticeship to the said trade of goldsmith, silversmith, or plate worker, shall be and are hereby incorporated a company of and belonging to the said town, and shall be called or known by the name of *The Company of Goldsmiths* of the said town of Newcastle upon Tyne; which said company shall be enabled, and are hereby authorized annually to choose two persons to be wardens of the said company; which said wardens shall continue for the space of one year, and no longer, unless re-elected by the said company; and if either of the said wardens shall happen to die, or remove out of the said town, then the said company shall within one month after such death or removal choose another person of the said company to be warden in his room; and such person so chosen shall and is hereby authorized and required to act accordingly.

and may choose wardens.

Silver plate how to be made and marked, &c.

V. And be it further enacted by the authority aforesaid, That all silver plate or manufacture of silver (except such things as by reason of their smallness are not capable of receiving the touch) shall be made and wrought of the same fineness, and made

made, assayed, and marked with the arms of the said town, and other the marks mentioned in the said act, in such manner and form as in the said act of the twelfth year of his late Majesty's reign is mentioned; and that an assay-master shall from time to time be elected by the said company of goldsmiths in the said town, who shall take such oath as is therein prescribed, before the mayor of *Newcastle upon Tyne* for the time being, who is hereby appointed to administer the same; and that the said assay-master, and all and every the goldsmiths, silversmiths, and plate-workers, inhabiting in the said town, shall from time to time, and at all times hereafter, observe and perform all such matters and things, and be subject to all such orders, rules, pains, penalties and forfeitures, as in the same act is mentioned, for and concerning the several matters, things and offences therein contained, as fully, effectually and amply, to all intents, constructions and purposes, as if the said town had been therein expressly mentioned; and the said pains and penalties shall be levied, recovered, disposed of and taken, in such manner and form as in and by the same act is directed.

Company may
elect an assay-
master, &c.

CAP. X.

An act for taking, examining, and stating the publick accounts of the kingdom. **EXP.**

CAP. XI.

An act for reviving the act, intituled, An act for exempting apothecaries from serving the offices of constable, scavenger, and other parish and ward offices, and from serving upon juries.

WHEREAS an act made in the sixth and seventh years of ^{6 & 7 W. 3.} the reign of his late Majesty King William the Third, intituled, An act for exempting apothecaries from serving the offices of constable, scavenger, and other parish and ward offices, and from serving upon juries, ^{c. 4.} has been by experience found very useful and necessary: and whereas the said act was to continue but for seven years, and to the end of the next session of parliament, and is now near expiring; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act, with all the clauses and powers therein contained, shall continue and be in force for the space of eleven years, from and after the expiration thereof, and from thence to the end of the next sessions of parliament.

continued for
11 years.
Made perpetual
9 Geo. 1. c. 8.

CAP. XII.

An act for granting an aid to her Majesty by divers subsidies and a land tax.

CIX. **A**ND whereas by an act made in the eleventh year ^{11 W. 3. c. 2.} of the reign of his late majesty King William the Third, intituled, *An act for granting an aid to his Majesty by sale*
E e 2 of

of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned, the trustees thereby nominated and appointed for putting in execution the powers and authorities therein enacted, relating to the said forfeited and other estates and interests in Ireland, or any seven or more of them, were impowered and required to hear and determine all claims entred in pursuance of the said act, on or before the tenth day of *August*, one thousand seven hundred, at any time or times after the entry thereof, and before the five and twentieth day of *March*, one thousand seven hundred and one; and the said trustees, or any seven or more of them, were thereby authorized and required, before the five and twentieth day of *March*, one thousand seven hundred and two, to sell all and singular the estates and interests vested in them by the said act, in such manner as is therein mentioned: and whereas by one other act made in the twelfth year of the reign of his said late majesty King *William* the Third, intituled, *An act for granting an aid to his Majesty, for the defraying the expence of his navy, guards and garrisons for one year, and for other necessary occasions*, the time for hearing and determining claims entred before the said trustees, and then remaining undetermined, was enlarged and continued until the twenty fifth day of *March*, one thousand seven hundred and two; and the time for sale of the said forfeited estates and interests was enlarged to the twenty fourth day of *June*, one thousand seven hundred and two: and whereas the said trustees have, in pursuance of the said recited acts, heard and determined all the claims entred before them for any of the said forfeited estates and interests so vested in them, as aforesaid; but the debentures intended to be made out to officers, soldiers and others, and for transport service, to enable them to purchase the said forfeited estates and interests, in probability will not be made out before the first day of *October*, one thousand seven hundred and two: be it therefore enacted by the authority aforesaid, That the said trustees or any seven or more of them, shall and may, and are hereby impowered and enabled, at any time or times from and after the said four and twentieth day of *June*, one thousand seven hundred and two, and before the four and twentieth day of *June*, one thousand seven hundred and three, to sell all and singular the said estates and interests so vested in them; and all and every such sale and sales to be made before the said four and twentieth day of *June*, one thousand seven hundred and three, shall be in like manner made, and such proceeding shall be in order thereunto and thereupon had, and the conveyances thereupon to be made shall be as available, and effectual, and of the same force and effect, as if such sale or sales had been made before the said twenty fifth day of *March*, one thousand seven hundred and two. Nevertheless this act, or any thing therein contained, shall not extend to repeal or alter any particular act or acts of parliament made or now in force, or which in this session of parliament shall be made concerning any the said forfeited estates, or any the provisions

22 W. 3. c. 10.

Irish trustees
may before
24 June, 1703.
sell the forfeit-
ed estates, &c.
vested in them.

visions, directions, clauses, matters, or things therein contained.

CX. And whereas several barracks are erected on certain lands, part of the said forfeited estates, for the reception and use of the army in the said kingdom of *Ireland*, be it therefore enacted by the authority aforesaid, That any seven or more of the said trustees shall and are hereby required to convey unto the trustees for the barracks and their successors, the said barracks, with the site thereof, out-houses, court and other conveniencies thereunto belonging, containing by estimation three acres of land *Irish* measure to each of the said barracks, to have and to hold to them the said trustees of the barracks and their successors for ever, to the uses aforesaid.

Barracks erected on the said forfeited estates, &c. shall be conveyed to the trustees for the barracks, &c. for ever.

CXI. And whereas by the present establishment of *Ireland*, three regiments of foot, commanded by brigadier *William Selwin*, brigadier *Zachary Tiffin*, and colonel *Richard Brewer*, are now in her Majesty's service in *Jamaica* and the *Leeward Islands* in the *West Indies*, and are paid out of her Majesty's revenue arising in the said kingdom of *Ireland*, according to the said establishment; and it being necessary that the clothing and other accoutrements for the officers and soldiers of the said regiments should be supplied out of *Ireland*, from whence their pay doth arise: be it enacted by the authority aforesaid, That it may be lawful to export out of *Ireland*, such goods as are necessary for the accoutrements and clothing the officers and soldiers of the said regiments, and no others, to *Jamaica*, or any of the *Leeward Islands*, or such other place in the *West Indies*, where such regiment shall be quartered; any law, statute or usage to the contrary in any wise notwithstanding.

Clothing, &c. may be exported out of *Ireland* for the three regiments in the *West Indies*, &c.

CXII. And whereas there have lately been imported into your Majesty's dominions, wines of the growth of *Hungary*, and some doubts have arisen touching the rates and duties payable for the same upon such importation; be it declared and enacted, That it shall and may be lawful to import from *Hamburg* into the port of *London*, and the members thereof, or into any other ports of this kingdom, or the dominion of *Wales*, or town of *Berwick* upon *Tweed*, wines of the growth of *Hungary*, and upon the importation of any such wines, there shall be paid such rates and duties only as by any law now in force are due and payable for any *Rhenish* wines, or wines of the growth of *Germany* imported into this your realm, or the dominions thereof, by all your Majesty's natural-born subjects, and by all strangers and aliens respectively.

Hungary wines may be imported from *Hamburg* paying duties as for *Rhenish* wines.

CXIII. And whereas the general society intituled to the advantages given by an act of parliament for advancing a sum not exceeding two millions, for the service of the crown of *England*, by a covenant in the charter to them granted by his late Majesty King *William the Third*, bearing date the third day of September, in the tenth year of his reign, is obliged to furnish into her Majesty's stores (if demanded) five hundred tuns of salt petre yearly for the first cost, freight, duties, and other charges thereupon, to be ascertained in the manner

9 W. 3. c. 44.

After 29 Sept.
1701. until the
union of the
two East In-
dia companies
be perfected,
494 tuns and
a quarter of
salt petre shall
be delivered
into her Ma-
jesty's stores,
and after the
said union,
494 tuns and
a quarter
yearly, &c.

3 tuns and 3
quarters of
salt petre to be
delivered by
the other
members of
the said gene-
ral society.

Price of salt
petre.

therein mentioned; and the English company trading to the East Indies, as a member of the said general society, is by a covenant in the charter granted to the said company, bearing date the fifth day of September, in the tenth year of the reign of his said late Majesty King William, obliged to furnish yearly, a proportionable part of the said five hundred tuns (if demanded) and the governor and company of merchants of London trading to the East Indies, also as a member of the said general society, are obliged to furnish yearly another proportion of the said five hundred tuns (if demanded) and the particular members of the said general society (other than the said companies) are obliged to furnish yearly the remainder of the said five hundred tuns (if demanded) for the cost, freight, duties, and other charges aforesaid: and whereas the said governor and company of merchants of London trading into the East Indies, and the said English company, have agreed to unite their capital stock in the said two millions, and trade to the East Indies, and other parts within the limits of their charters whereunto they severally are intitled, under the act of parliament of the ninth year of his said late Majesty's reign, intituled, An act for raising a sum not exceeding two millions, upon a fund for payment of annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies, whereupon a new charter is intended to be passed: now it is hereby provided and enacted by the authority aforesaid, That from the twenty ninth day of September, one thousand seven hundred and one, until the said union shall be perfected under the great seal of England, four hundred ninety four tuns and one quarter of good, clean and merchantable salt petre, shall yearly (if it be demanded) be delivered into the stores of her Majesty, her heirs and successors, at the certain price herein after limited (that is to say) by the said governor and company of merchants of London trading into the East Indies, for their proportion, seventy eight tuns and three quarters; and by the said English company, four hundred and fifteen tuns and a half; and that after the perfecting of the said union, and during the continuance thereof in a joint management, the like quantity of four hundred ninety four tuns and one quarter of such salt petre, shall yearly (if demanded) be delivered into the said stores by the said English company, and its successors, out of the said united trade: and after the determination of such joint management, then by the said English company singly, during so long time as the said English company shall have right and power to trade to the East Indies, under the said act of parliament in that behalf; and that in like manner from the twenty ninth day of September, one thousand seven hundred and one, the quantity of five tuns and three quarters of good, clean and merchantable salt petre, shall yearly (if demanded) be delivered into the said stores at the same certain price, by the other members of the said general society for the time being.

CXIV. And it is hereby enacted and declared, That the price of all the said salt petre, to be served in time of peace, shall be five and forty pounds per tun, and in time of war shall be fifty three

three pounds per tun; and that upon the refining the said salt petre, whether it be brown or white, if the refraction be above fifteen pounds in every one hundred and twelve pounds weight, then the overplus of such refraction, at the rate aforesaid, shall be repaid to her Majesty, by the said companies and members respectively, out of the said price; and if the refraction be under fifteen pounds in every one hundred and twelve pounds weight, then the said companies, and other members of the said general society, shall be allowed and paid, at the price aforesaid, so much more as the difference between the real refraction of their petre, and the said stated refraction of fifteen pounds per centum, shall amount to.

CXV. And it is hereby further declared, That in any charter to be granted to the said companies, or either of them, they shall be obliged by covenant to deliver their proportions of the said salt petre, being paid for the same at the certain prices aforesaid, according to this act, instead of the quantities which the said two companies, or either of them, or the said particular members, by the said former charters are obliged to furnish, for the first cost, freight, duties, and other charges as aforesaid; any thing in the said former charters, or any of them, contained to the contrary notwithstanding.

Companies obliged to deliver their proportions at the prices aforesaid.

C A P. XIII.

An act for making good deficiencies, and for preserving the publick credit.

WHEREAS several bills of credit, commonly called Exchequer Bills, were made forth and issued by divers acts of parliament, which were made and passed in the reign of his late Majesty King William the Third (of blessed memory) and many of the said bills have been already discharged out of several aids or supplies, which were provided by several acts of parliament, for or towards the discharging and cancelling the same; but over and above the monies already applied towards the discharging and cancelling of the said bills, and over and above the monies which are yet to arise from the said aids or supplies formerly provided for that purpose, it is computed, that there is and will be wanting the sum of five hundred and fifteen thousand one hundred sixty five pounds four shillings and seven pence farthing, to discharge all the principal monies contained in such of the said bills as are now standing out and unsatisfied, and so much more as will be sufficient to discharge all the interest due, and to grow due thereupon: and whereas it appears that the pound rate or land tax of three shillings in the pound, granted to his said late Majesty, by an act of parliament in the eighth year of his reign, hath not been sufficient to satisfy all the loans which were made upon the credit of the same pound rate or land tax; and that over and above all arrears of the said pound rate, not yet recovered, there is and will be deficient, and wanting, to discharge all the principal money so lent, the sum of four hundred and fifteen thousand ninety nine pounds, and so much more as will be sufficient to discharge the interest after the rate of eight pounds per centum per annum,

8 W. 3. c. 6.

E c 4

- annum, due and to grow due thereupon: and whereas the duties upon paper, pasteboard, vellum, and parchment, which were granted to his late Majesty for two years, from the first day of March, one thousand six hundred ninety six, by an act passed in the eighth year of his reign, did prove insufficient to satisfy all the monies which were borrowed upon credit of that act, so that there is deficient and wanting the sum of fifteen thousand four hundred pounds, to discharge all the principal monies so borrowed, and so much more as will satisfy the interest, due and to grow due for the same, after the rate of eight pounds per centum per annum: and whereas several tickets were made forth and issued by virtue of an act made and passed in the eighth
- 1 W. 3. C. 22. year of the reign of his said late Majesty, whereby certain duties were laid upon malt and other things therein mentioned, and many of the said tickets have already been discharged out of the same duties, or otherwise; but it is computed, that there is deficient and wanting to discharge all the principal monies contained in such of the said tickets as are now standing out and unsatisfied, the sum of five hundred seventy nine thousand and sixty pounds, besides what will be necessary to discharge the interest due, and to grow due, upon the said unsatisfied tickets, or such of them as do bear interest after the rate of an half-penny per diem, for each ten pounds thereof: and whereas it is evident, that the duties upon leather, which were granted to his said late
- 2 W. 3. C. 21. Majesty by an act passed in the eighth year of his reign, for three years, from the twentieth day of April, one thousand six hundred and ninety seven, and which were thereby appropriated to and for the payment of so much as then remained unpaid of the sum of five hundred sixty four thousand seven hundred pounds, formerly lent upon certain duties upon coals and other things therein mentioned, and the interest thereof, have not been sufficient for that purpose, so that there is wanting, to discharge the principal money still remaining unpaid of the sum last mentioned, the sum of five hundred and four thousand four hundred thirty eight pounds, besides the interest thereof, due and to grow due, after the rate of seven pounds per centum per annum: and that the monies granted to his said late Majesty, by the act passed in the ninth
- 3 W. 3. C. 38. year of his reign, for an aid by a quarterly poll for one year, including therein such arrears of the said poll as are still recoverable, do not extend to satisfy all the principal monies which were borrowed upon the same act, by the sum of two hundred and twelve thousand seven hundred and seventy pounds, seventeen shillings, which with the interest thereof, due and to grow due, after the rate of eight pounds per centum per annum, are and will be likewise deficient: and that the monies granted to his said late Majesty by the act passed in the tenth
- 4 W. 3. C. 9. year of his reign, for granting the sum of one million four hundred eighty four thousand and fifteen pounds, one shilling and eleven pence, three farthings, for disbanding the army, providing for the navy, and for other necessary occasions, whereupon a credit was given for a sum not exceeding one million four hundred thousand pounds, to be repaid with interest after the rate of seven pounds per centum per annum, have not extended to pay off all the monies borrowed upon the same act, and the interest thereof: but that there is a deficiency of twenty five thousand eight hundred twenty three pounds, two shillings

and nine pence, which together with all arrears of the aid last mentioned, not yet recovered, are wanting to clear off the remainder of the principal monies so borrowed, besides what shall be necessary to discharge the interest of the same: and whereas at Michaelmas, one thousand seven hundred and one, the sum of seventy thousand eight hundred seventy two pounds, eleven shillings, and one penny halfpenny, was wanting to compleat the payments then due and incurred, for and upon the yearly sum of one hundred and sixty thousand pounds, which by an act passed in the ninth year of his said late Majesty's reign, was intended to be paid out of certain duties upon salt, and upon stamp vellum, parchment, and paper, for the purposes therein mentioned; and ought to have been made good in pursuance of the same act; all which said sums of money so reckoned to be deficient or wanting, to pay off the principal money borrowed as aforesaid, or contained in the said Exchequer bills and malt tickets, do amount in the whole to the sum of two millions three hundred thirty eight thousand six hundred twenty eight pounds, fifteen shillings, and five pence three farthings, besides the interest due and to grow due, as aforesaid. We your Majesty's most dutiful and loyal subjects the commons of England in parliament assembled, being desirous to raise such aids and supplies as may make good the said deficiencies, and preserve the publick credit, do cheerfully and unanimously give and grant to your Majesty the supplies, impositions and duties herein after mentioned, for the terms herein after expressed; and do most humbly beseech your Majesty, to accept thereof, and that it may be enacted: and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the subsidy of tunnage and poundage, and other sums of money payable upon merchandizes exported and imported, which were given and granted unto his late majesty King Charles the Second for his life, by an act of parliament made in the twelfth year of his reign, intituled, *A subsidy granted to the King of tunnage and poundage, and other sums of money payable upon merchandizes exported and imported*, and which by several acts of parliament since made, have been granted for several terms, and are to continue until the first day of August, one thousand seven hundred and six, shall be further continued to her Majesty, her heirs and successors, from the last day of July, which shall be in the year of our Lord, one thousand seven hundred and six, until the first day of August, which shall be in the year of our Lord, one thousand seven hundred and ten, and no longer; and that the said act made in the twelfth year of the reign of King Charles the Second, and every article, rule and clause therein mentioned, and also an order of the commons in parliament assembled, made in pursuance of the rules and orders annexed to the aforesaid act, for settling of officers fees, dated the seventeenth day of May, one thousand six hundred sixty two, and signed by Sir Edward Turner, then speaker, shall be of full force and effect, to all intents and purposes, until the said first day of August,

9 W. 3. c. 44.

Sum total of the deficiencies.

Tunnage and poundage continued until 1 Aug. 1710.

Act 12 Car. 2. c. 4. to be in force.

one

one thousand seven hundred and ten, as fully and in like manner, as if the same were particularly and at large recited and set down in the body of this act.

12 Car. 2.
c. 19.

II. Provided always, and be it further enacted by the authority aforesaid, That an act of parliament made in the twelfth year of the reign of the said King Charles the Second, intituled, *An act to prevent frauds and concealments of his Majesty's customs and subsidies*; as also an act made in the fourteenth year of the

14 Car. 2. c. 11.

reign of the said late King Charles the Second, intituled, *An act for preventing frauds and abuses in his Majesty's customs*; and also an act made in the two and twentieth year of the reign of the

22 Car. 2. c. 13.

said late King Charles the Second, intituled, *An act for the improvement of tillage, and the breed of cattle*; and also one other act made in the five and twentieth year of the reign of the said

25 Car. 2. c. 6.

late King Charles the Second, intituled, *An act for taking off aliens duties upon commodities of the growth, product and manufacture of the nation*; and also one other act made in the said five and

25 Car. 2. c. 7.

twentieth year of the reign of the said late King Charles the Second, intituled, *An act for the encouragement of the Greenland, and Eastland trades, and for the better securing the plantation trade*; and also one other act made in the first year of the late King

1 Jac. 2. c. 19.

James the Second, intituled, *An additional act for the improvement of tillage*; and one act made in the eighth year of the

8 W. 3. c. 14.

reign of his said late Majesty King William the Third, intituled, *An act for the lessening the duty upon tin and pewter exported, and granting an equivalent for the same by a duty upon druggs*; and another act of the ninth year of his reign, for increasing

9 W. 3. c. 22.

his Majesty's duties upon lustrings and alomodes; and one act made in the eleventh year of his reign, intituled, *An act for*

11 W. 3. c. 22.

taking away the duties upon the woollen manufactures, corn, grain, bread, biscuit and meal exported; and all the clauses and directions whatsoever contained therein, or in any other act or acts of parliament now in force concerning the said subsidy of tunnage and poundage, and other sums of money upon merchandizes exported and imported, which were granted in the twelfth year of the reign of King Charles the Second, as aforesaid, shall be of full force and effect until the said first day of August, which shall be in the year of our Lord, one thousand seven hundred and ten.

12 Car. 2. c. 4.
Act aforesaid
now in force
until 1710.

But not to determine clause intended to be perpetual.

III. Provided nevertheless, and be it declared and enacted, That nothing herein contained shall be construed or taken to determine any articles or clauses in any of the last mentioned acts, hereby enacted to be in force, until the said first day of August, one thousand seven hundred and ten, which were appointed and intended to be perpetual, or which are continued by any act of parliament, for any time which will not expire by or before the said first day of August, one thousand seven hundred and ten; but that the same, and every of them, shall continue and remain in force, as if this present act had not been made; but such of the said acts, and such clauses in any of them as would otherwise determine before the said first day of August,

one

one thousand seven hundred and ten, shall hereby be revived, and stand, continue, and be in force until the said first day of *August*, one thousand seven hundred and ten, and no longer.

IV. And be it further enacted by the authority aforesaid, That the several impositions and duties upon wines and vinegar, granted by an act made in the first year of the reign of his late majesty King *James* the Second, intituled, *An act for granting to his Majesty an imposition upon all wines and vinegar imported between the twenty fourth day of June, one thousand six hundred eighty five, and the twenty fourth day of June, one thousand six hundred ninety three*; which said act, by several acts of parliament afterwards passed, hath been continued, and is to continue until the said first day of *August*, one thousand seven hundred and six, shall be further continued from the last day of *July*, one thousand seven hundred and six, until the first day of *August*, which shall be in the year of our Lord, one thousand seven hundred and ten, and no longer; and that the said act so made in the first year of the reign of the late King *James* the Second, and all powers, provisions, penalties, articles and clauses therein contained, for or concerning the said imposition on wines and vinegar, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and ten; and shall be applied, practised and executed for raising, levying, collecting, answering and paying the said duties upon wine and vinegar, hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if all and every the clauses, matters and things in the said act of the first year of King *James* the Second contained, had been again repeated in this act, and particularly enacted.

Duties on
wines, &c.
continued till
1710.

1 Jac. 2. c. 3.

Act 1 Jac. 2.
c. 3. continu-
ed.

V. And be it further enacted by the authority aforesaid, That the rates, duties and impositions upon all sorts of tobacco, granted by an act made in the first year of the reign of the said late King *James* the Second, intituled, *An act for granting to his Majesty an imposition upon all tobacco and sugar, imported between the four and twentieth day of June, one thousand six hundred eighty five, and the four and twentieth day of June, one thousand six hundred ninety three*; which said act, as for and concerning the said duties and impositions upon tobacco only, was by several acts of parliament afterwards made, continued, and is to continue to the first day of *August*, one thousand seven hundred and six, shall be further continued from the last day of *July*, one thousand seven hundred and six, until the said first day of *August*, which shall be in the year of our Lord one thousand seven hundred and ten, and no longer.

Duties on to-
bacco con-
tinued till

1710.
1 Jac. 2. c. 4.

VI. Provided always, and be it enacted and declared by the authority aforesaid, That the said duty upon tobacco, which shall be imported during the term hereby granted, shall be secured, collected, raised, levied, answered and paid to her Majesty, in such method, and with such discount and allowances, and according to such rules and directions, as are mentioned, referred to, or prescribed, as to the duties or impositions upon tobacco

Duty how to
be levied.

7 & 8 W. 3.
c. 10.

tobacco in and by the act made in the parliament holden in the seventh and eighth years of the reign of King *William* the Third, intituled, *An act for continuing several duties granted by former acts upon wine, vinegar, and upon tobacco, and East India goods, and other merchandizes imported, for carrying on the war against France, and not otherwise.*

Additional
impositions on
goods, &c.
granted 2 W.
& M. sess. 2.
c. 4. continued
till 1710.

VII. And be it further enacted by the authority aforesaid, That the several additional and other rates, impositions, duties and charges, upon the several sorts of goods and merchandizes granted by an act made in the second year of the reign of King *William* the Third and Queen *Mary*, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of December, one thousand six hundred and ninety, and which thereby and by several other acts afterwards passed, were to have continuance, and are to continue until the first day of August, one thousand seven hundred and six, shall be further continued from the last day of July, one thousand seven hundred and six, until the said first day of August, which shall be in the year of our Lord, one thousand seven hundred and ten, and no longer; and that the said act made in the second year of their said late Majesties reign, concerning East India goods and other things therein charged, and all powers, provisions, penalties, articles and clauses therein contained, shall continue and be of full force and effect, until the said first day of August, one thousand seven hundred and ten, and shall be applied, practised and executed for the raising, levying, collecting, answering and paying the said respective duties hereby continued, according to the tenor and intent of this present act, as fully, to all intents and purposes, as if the said last mentioned act, and all and every the clauses, matters and things therein contained, had been again repeated and enacted particularly; except only as to such part of the said acts concerning the said impositions on wines, vinegar, tobacco, East India goods, and other merchandizes imported, touching which other provisions or alterations are made by any act or acts of parliament now in being; which other provisions or alterations are to be observed and to continue during the continuance of this act; and the said act, intituled, *An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco and East India goods and other merchandizes imported, for carrying on the war against France, and every article, clause, matter and thing therein contained, for the raising, levying, securing, answering and paying the impositions and duties on the merchandizes and commodities thereby charged, and which are by this act continued, shall be of full force and effect, until the said first day of August, one thousand seven hundred and ten.**

Act continu-
ed.

Exception.

Act 7 & 8.
W. 3. c. 10.
continued.

Additional
impositions on
goods, &c.
granted 4 W.
& M. c. 5. con-
tinued till
1710.

VIII. And be it further enacted by the authority aforesaid, That the additional, and other rates, duties, impositions and charges upon the several sorts of goods and merchandizes, granted by an act of parliament, made in the fourth year of their said late Majesties reign, intituled, *An act for granting to their Ma-*

gesties

sties certain additional impositions upon several goods and merchandizes, for prosecuting the present war against France; and which by several acts of parliament have been granted to continue to the first day of *August*, one thousand seven hundred and six, shall be further continued from the last day of *July*, one thousand seven hundred and six, to the said first day of *August*, which shall be in the year of our Lord, one thousand seven hundred and ten, and no longer: and that the said act last mentioned, Act continued all powers, provisions, penalties, articles and clauses therein contained (except as herein after is excepted and provided) for and concerning the said rates, duties and impositions, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and ten, and shall be applied, practised and executed for the raising, levying, collecting, answering and paying the said duties hereby continued, according to the tenor and intent of this present act, as if the said last mentioned act, and all and every the clauses, matters and things therein contained had been again repeated and enacted in this act particularly.

IX. Nevertheless it is hereby provided and enacted by the authority aforesaid, That for and during the continuance of the said additional impositions, the sum of two shillings only shall be paid for every ton of *lapis calaminaris* exported, over and above the rates thereon charged by the book of rates, to be collected as in and by the said act is directed and appointed; and that it shall and may be lawful to import into this kingdom from *Ireland*, any bar iron unwrought, and iron slit or hammered into rods (other than *Swedish* or other foreign iron) discharged of any impositions or duties to be laid upon the same by this act; any thing herein contained to the contrary notwithstanding.

Lapis calaminaris.

Bar iron, &c. may be imported from Ireland.

X. Provided also, That in all cases where any other provision or alteration is made by any act or acts of parliament now in being, in or about any other matter or thing contained in the said act of parliament, for the impositions last mentioned, such other provisions or alterations shall be observed, during the continuance of the term hereby granted, in the same impositions; any thing herein contained to the contrary notwithstanding.

Proviso.

XI. And be it further enacted by the authority aforesaid, That such of the rates and duties upon velum, parchment and paper, as were granted to their said late majesties King *William* and Queen *Mary*, by an act made in the parliament holden at *Westminster*, in the fifth and sixth years of their reign, intituled, *An act for granting to their Majesties several duties upon velum, parchment and paper for four years, towards carrying on the war against France*; and which by an act of parliament made in the eighth year of the reign of his said late majesty King *William*, are continued until the first day of *August*, one thousand seven hundred and six, shall be, and are hereby further continued, from the said last day of *July*, one thousand seven hundred and six,

Duties on velum, &c. continued till 1710. 5 & 6. W. & M. c. 21.

8 W. 3. c. 20.

Act continu-
ed.

fix, until the first day of *August*, which shall be in the year of our Lord, one thousand seven hundred and ten; and that the said act for granting the said duties upon vellum, parchment and paper, and all powers, provisions, articles and clauses therein, or in any other act or acts of parliament now in force concerning the same duties contained, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and ten, and shall be applied, practised and executed for the raising, levying, collecting, answering and paying the said duties upon vellum, parchment and paper hereby continued, according to the tenor and intent of this present act.

Proviso, &c.

XII. Provided always, and it is hereby further enacted, That in all cases where any further or other provision or alteration is made by any other act or acts of parliament now in being, in relation to the said duties upon vellum, parchment and paper, such other provisions or alterations shall be observed and complied with, during the continuance of the term hereby granted in the same duties; any thing herein contained to the contrary notwithstanding.

Duties on
houses conti-
nued till 1710.
7 W. 3. c. 18.

Cap. 20.

XIII. And be it further enacted by the authority aforesaid, That the rates, duties, impositions and sums of money, granted by an act passed in the seventh year of the reign of the said King *William*, intituled, *An act for granting to his Majesty several rates or duties on houses, for making good the deficiency of the clipped money*, and which thereby, and by the said act made in the eighth year of the reign of the said late King *William* the Third, have been already granted to continue until the first day of *August*, one thousand seven hundred and six, shall be and are hereby further continued from and after the last day of *July*, one thousand seven hundred and six, until the said first day of *August*, which shall be in the year of our Lord, one thousand seven hundred and ten, and no longer; and shall be raised, levied, collected, answered and paid unto her Majesty, in the same manner and form, and by such rules, ways and means, and under such penalties and forfeitures as are mentioned in the said several acts, or either of them, for raising, collecting, levying, answering and paying the same; and that the same act, and all powers, provisions, penalties, articles and clauses therein, or in any other act or acts of parliament, concerning the said duties upon houses, contained or expressed, shall continue and be of full force and effect, until the said first day of *August*, one thousand seven hundred and ten; and shall be applied, practised and executed for the raising, levying, collecting, answering and paying the said duties upon houses, hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes as if all and every the clauses, matters and things in the said former acts, concerning the said duties upon houses, contained, had been again repeated in this act, and particularly enacted.

Acts continu-
ed.

XIV. And

XIV. And it is hereby further enacted, That the several im-
positions and duties for and upon all whale-fins and *Scotch* linen
imported, which by an act of parliament in the ninth year of
his said late Majesty's reign, intituled, *An act for taking away*
half the duties imposed on glass wares, and the whole duties lately laid
on stone and earthen wares and tobacco-pipes, and for granting in
lieu thereof, new duties on whale-fins and Scotch linens, were grant-
ed to his said late majesty King *William*, for the term of eight
years, from the tenth day of *July*, one thousand six hundred
ninety eight, (except so much of the said duty of whale-fins as
is since taken away by any subsequent act of parliament) shall
be and are hereby continued to her Majesty, her heirs and suc-
cessors, from the expiration of the said term of eight years, un-
til the said first day of *August*, which shall be in the year of our
Lord, one thousand seven hundred and ten, and no longer;
and shall be raised, levied, collected and paid, in such manner
and form, and by such ways and means, and under such penal-
ties and forfeitures as are mentioned in the said act for granting
the said impositions on whale-fins and *Scotch* linens; which act,
with all the powers, proviso's, penalties, articles and clauses
therein contained, or thereby referred to, shall continue and be
in full force until the said first day of *August*, one thousand se-
ven hundred and ten; and shall be applied, practised and put in
execution, for raising and levying the said duties on whale-fins
and *Scotch* linens hereby continued, as fully and effectually as
if all the clauses, matters and things therein contained, con-
cerning the said duties on whale-fins and *Scotch* linens, were re-
peated and again enacted in the body of this present act.

Duties on
whale-fins,
&c. continued
till 1710.
9 W. 3. c. 45.

Exception.

9 & 10 W. 3.
c. 45.

Act continu-
ed.

XV. And whereas by the said act of the eighth year of the
reign of his late majesty King *William*, intituled, *An act for*
making good the deficiencies of several funds therein mentioned, and for
enlarging the capital stock of the bank of England, and for raising
the publick credit, it was enacted, That all the monies which
should arise and be brought into the Exchequer of or for the
subsidy of tonnage and poundage, and other duties upon mer-
chandizes therewith continued by that act, from the five and
twentieth day of *December*, one thousand six hundred ninety
nine, till the first day of *August*, one thousand seven hundred
and six, and of or for the impositions upon wines, vinegar, to-
bacco, *East India* goods, wrought silks and other duties, there-
with continued by the same act, from the eight and twentieth
day of *September*, one thousand seven hundred and one, until
the said first day of *August*, one thousand seven hundred and
six; and of or for the said additional and other rates, duties,
impositions and charges upon several sorts of goods and mer-
chandizes, thereby continued from the last day of *February*, one
thousand six hundred ninety six, to the said first day of *August*,
one thousand seven hundred and six; and of or for the duties
upon velum, parchment and paper, by the same act continued
from the eight and twentieth day of *June*, one thousand six
hundred ninety eight, until the said first day of *August*, one
thousand

7 & 8 W. 3.
c. 10.
8 W. 3. c. 20.

- thousand seven hundred and six; and of or for the rates and duties upon marriages, births, burials, batchelors and widowers, thereby continued, from the first day of *May*, one thousand seven hundred, until the said first day of *August*, one thousand seven hundred and six; and of or for the several rates and duties upon houses thereby continued, from the five and twentieth day of *March*, one thousand seven hundred and three, until the said first day of *August*, one thousand seven hundred and six, and all the monies (if any such should be) which after satisfaction of such principal and interest monies as are therein mentioned, should arise by the impositions upon wines, vinegar, tobacco, *East India* goods, wrought silks and other goods, by an act of the seventh year of the reign of the said late King *William*, whereby the same were granted, and continued until the said nine and twentieth day of *September*, one thousand seven hundred and one; and all the monies which after satisfaction of such monies and bills as are therein mentioned, should arise by the duties upon houses formerly granted for seven years, from the five and twentieth day of *March*, one thousand six hundred ninety six; and all the monies which after satisfaction of the sums therein mentioned, and the interest thereof, should arise or be brought into the Exchequer, of and for the duties upon salt, which were granted to his said late majesty King
- 7 W. 3. c. 10. *William* the Third, his heirs and successors, by an act of parliament which passed in the seventh year of his reign (together with the duties upon glass wares, stone and earthen wares, and tobacco pipes, which are since taken away by acts of parliament) should be the general fund for making good the particular
- 8 W. 3. c. 10. funds in the said act of the eighth year of his said late Majesty's reign, expressed and computed to be deficient, and should be appropriated, issued and applied, for and towards the making good of the same deficient funds, by the payment and satisfaction of the principal and interest due and to grow due thereupon, in such manner and form as in the said act of the eighth
- 9 W. 3. c. 45. year of his said late Majesty's reign is more fully expressed; and whereas by the abovesaid act of the ninth year of his said late Majesty's reign, for laying the said duties upon whale-fins, and *Scotch* linens, for eight years, from the tenth day of *July*, one thousand six hundred ninety eight, the same are directed to be applied to and for the payment and satisfaction of such principal and interest monies, whereunto the said duties upon glass wares, stone and earthen wares, and tobacco pipes (since wholly taken away) ought to have been applied, as by the said several acts of parliament, relation being thereunto respectively had, may more fully appear. Now to the end the above mentioned deficiencies, for which no provision hath been made, and which in this act are computed to amount to two millions three hundred thirty eight thousand six hundred twenty eight pounds, fifteen shillings and five pence, three farthings, as aforesaid, for principal monies (besides interest) may be made good, and that all such principal monies, and the interest thereof, may be well and sufficiently

For making
good the fore-
said deficiencies,
&c.

iently secured, and duly paid and satisfied, be it further enacted by the authority aforesaid, That the overplus of the said several revenues and duties by the said act of the eighth year of the said late Majesty's reign, continued until the first day of *August*, one thousand seven hundred and six, as aforesaid, and of the said hereditary duties upon salt, and rock salt, and of the said duties upon whale-fins, and *Scotch* linens, and of all other the duties whatsoever, which by the said act of the eighth year of his said late Majesty's reign, for making good deficiencies, as aforesaid, and by the said act of the ninth year of his said late Majesty's reign, for laying the said duties upon whale-fins and *Scotch* linens, and either of them, are appropriated or directed to be applied, to or for the payment and satisfaction of the principal and interest monies in the same acts, or either of them mentioned, which shall from time to time remain, and be brought into the receipt of the Exchequer (in case any such overplus do arise) after full payment and satisfaction to be first made out of the said revenues and duties so formerly granted and appropriated, as aforesaid, of all the principal and interest monies by the two acts last mentioned, or either of them, secured, or intended to be secured thereupon, or after reserving so much thereof in the said receipt of the Exchequer, as shall be sufficient fully to discharge and pay off the same, shall be part of the general fund, by this present act provided, for making good the particular funds before in this act expressed and computed to be still deficient, as aforesaid; and all the said overplus monies (if any such be) are, and shall be appropriated, sued, and applied towards the making good the same deficient funds, by the payment and satisfaction of all the principal monies thereupon really due, and amounting to the said sum of two millions three hundred thirty eight thousand six hundred twenty eight pounds, fifteen shillings, and five pence, three farthings, more or less, and all such interest money due, and to grow due, and which shall from time to time remain unsatisfied or not be otherwise paid or provided for) of and for so much and such parts and parcels of the said principal monies as do, or shall carry or bear interest to be paid for the same, by the respective acts of parliament in that behalf.

Overplus of the several duties granted by the act 8 W. 3. c. 20. and by the duties on salt, and on whale-fins, &c.

to be part of the general fund, &c.

XVI. And be it further enacted by the authority aforesaid, That all the monies which shall arise and be brought into the receipt of the Exchequer, of and for the subsidy of tonnage and poundage, and other duties upon merchandizes therewith continued by this act, from the last day of *July*, one thousand seven hundred and six, until the said first day of *August*, one thousand seven hundred and ten, and of and for the said several impositions and duties upon wines, vinegar, tobacco, *East India* goods, wrought silks, and other duties therewith continued by his act, from the last day of *July*, one thousand seven hundred and six, until the said first day of *August*, one thousand seven hundred and ten, and of and for the said additional rates and other duties, impositions and charges upon several sorts of goods

Monies arising by tonnage and poundage, &c.

and by wines, vinegar, &c.

And by the additional impositions on goods, &c.

and merchandizes by this act continued, from the last day of *July*, one thousand seven hundred and six, until the said first day of *August*, one thousand seven hundred and ten, and of and for the said duties upon velum, parchment and paper, by this act continued from the said last day of *July*, one thousand seven hundred and six, until the said first day of *August*, one thousand seven hundred and ten, and of and for the said rates and duties upon houses, by this act continued from the said last day of *July*, one thousand seven hundred and six, until the said first day of *August*, one thousand seven hundred and ten, and of and for the said rates and duties upon whale-fins and *Scotch* linens, by this act continued, until the first day of *August*, one thousand seven hundred and ten, shall, together with the said overplus monies (if any such be) and if there be no such overplus monies, then the said subsidies, revenues, rates and other duties last mentioned, shall be, and are hereby declared to be the whole and entire general fund by this present act provided for making good the particular funds before in this act expressed, and computed to be still deficient, as aforesaid, and are and shall be hereby appropriated, issued and applied for and towards the making good the said deficient funds, by the payment and satisfaction of all the principal monies thereupon really due, and amounting to the said sum of two millions three hundred thirty eight thousand six hundred twenty eight pounds fifteen shillings, and five pence, three farthings, more or less and all such interest monies, due and to grow due, and which shall from time to time remain unsatisfied (or not be otherwise paid or provided for) of and for so much and such parts and parcels of the said principal monies, as do or shall carry interest to be paid for the same, by the respective acts of parliament in that behalf.

XVII. And to the end all the monies which shall arise and be brought into the receipt of the Exchequer, of or for the several duties, impositions and revenues, which are hereby appropriated for making good of the said deficient funds, and as before in this act particularly enumerated and declared to be the general fund for that purpose, may be duly issued and applied for and towards the paying off or discharging of the principal and interest, due and to grow due upon the said funds heretofore declared or computed to be deficient, according to the true intent and meaning of this act: and that the monies by this act appropriated for that purpose may not be diverted or applied to any other use than is hereby intended, be it further enacted and provided, That all the monies of the said general fund heretofore appropriated as aforesaid, as shall hereafter arise and be brought into the said receipt of Exchequer, as well for the said overplus monies of the said duties formerly granted, as for the said several duties by this act granted, when and as the same shall commence or take effect respectively, shall be distributed, issued and applied to and for the paying off or discharging the principal and interest monies charged upon, or which were intended

How the monies of the said general fund, shall be issued and applied.

be paid out of the said deficient funds, (that is to say) The aids or supplies which were provided for discharging and cancelling the said Exchequer bills, the said pound-rate or land-tax of three shillings in the pound, which was granted in the eighth year of the reign of King *William the Third*, the said duties upon paper, pastboard, velum and parchment, which were granted in the same year, the said late duties upon malt and other things, for discharging the said tickets, the said duties upon leather, the said quarterly poll granted in the ninth year of his said late Majesty, the said land-tax granted in the tenth year of his said late Majesty, and for and towards the said sum of seventy thousand eight hundred seventy two pounds, eleven shillings and three half-pence, deficient upon the said duties upon salt, and upon stampd velum, parchment and paper, so as that a proportionable part of the monies so coming in, as aforesaid, shall be distributed, issued and applied to pay or discharge the principal and interest upon every one of the funds last mentioned, according and in proportion to the sum of the deficiency thereof, before, in and by this act computed and expressed; and that the commissioners of her Majesty's treasury, or any three or more of them now being, or the high treasurer, or under treasurer of the Exchequer, or any three or more of the commissioners of the treasury for the time being, shall on the first *Friday* which shall happen after the twenty eighth day of *August*, one thousand seven hundred and six, or after the time that any money shall arise and be paid into the receipt of the Exchequer, of the general fund by this act provided, which shall first happen; and from thenceforth, once in every twenty eight days, or oftner, cause an exact account to be made or taken of all the monies that shall be brought into the Exchequer applicable to pay principal and interest on the said deficient funds, as aforesaid, and shall thereupon immediately from time to time, by their warrants and orders, cause such money to be distributed, applied and placed to the account of each tax, revenue or fund so deficient, as aforesaid, in the just proportions before mentioned, and according to the true intent and meaning of this act.

XVIII. And it is hereby further enacted, That the proportions of the said money, which shall be so distributed or placed to the funds for the cancelling and discharging the principal and interest of the said Exchequer bills, shall be applied to that use, *Exchequer bills.* in such manner as the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being shall in that behalf direct and appoint; and that the said money so to be distributed or placed, as aforesaid, for discharging the principal and interest upon the said malt tickets, shall be applied *Malt tickets;* thereunto, in the same course, and by such proportions at every payment; and in such manner and form, as the same ought to have been applied if such monies had arisen from the said duties of malt, and other duties, which were liable to the satisfaction of the said tickets; and that all the rest of the money

Other deficient funds.

Monies not divertible, nor misapplied.

Penalty.

Arrears of any duty appropriated, &c. how applied.

Impositions on soap, &c. to continue but till 1706.

2 W. & M. sess. 2. c. 4.

12 W. 3. c. 11.

which shall be so distributed or placed to the account of the other deficient funds, duties and taxes, before mentioned, for or towards the payment of the principal and interest thereupon, shall be issued, paid and disposed, so far as the same will from time to time extend, upon and in satisfaction of the tallies or orders for the same, in such and the like course, order, manner and form, as if the same were monies really arising by the said respective taxes, duties, or funds hereby computed and expressed to be deficient, as aforesaid, and that without being diverted or divertible to any other use, or misapplied, and without giving any undue preference, under the penalty of incurring the same forfeitures and disabilities by the officers and other persons concerned therein, as they would have incurred for diverting or misapplying any the money of such tax, duty or fond, in case the same were not deficient.

XIX. Provided also, and it is hereby declared and enacted, That in all cases where there are any arrears of any duty, revenue, imposition or branch whatsoever appropriated towards satisfaction of the said principal and interest, and not yet recovered, all such arrears, as the same shall be levied or recovered, shall be applied towards satisfaction of the same principal and interest, and the general fond, hereby provided, shall go and be applied in aid thereof, in such manner and form, and under such limitations and directions as are hereby prescribed, until the said principal and interest shall be all entirely paid off and discharged; any thing in this act contained to the contrary notwithstanding.

XX. Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to continue the impositions upon soap and olive oil, first granted to their late majesties King *William* and Queen *Mary*, by an act made in the second year of their said Majesties reign, intituled, *An act for granting to their Majesties certain impositions upon all East India goods and manufactures, and upon all wrought silks, and several other goods and merchandizes, to be imported after the five and twentieth day of December, one thousand six hundred and ninety*, and afterwards continued by several other acts, to the said first day of *August*, which shall be in the year of our Lord, one thousand seven hundred and six, but all and singular the impositions upon soap and olive oil, granted by the said act or acts, shall determine and expire on the last day of *July*, one thousand seven hundred and six.

XXI. And whereas by an act passed in the twelfth year of the reign of his late majesty King *William* the Third, for granting to his Majesty several duties upon low wines or spirits of the first extraction, and for continuing several duties therein mentioned, provision is made, That the respective treasurers of the navy, and pay-masters of the land forces, and the officers in the subordinate offices therein mentioned, should be chargeable with the interest monies by them or their agents respectively, received upon tallies and orders for monies imprested to them severally,

severally, during the late war against *France*, or at any time before the making of the said act, in the manner and form thereby prescribed; and that every such charge should be examined by the entries and vouchers in the receipt of Exchequer, before the respective account or accounts of the said treasurers, paymasters, or other officers should be declared, as by the said act (relation being thereunto had) may more fully appear: and whereas the accounts of the said treasurers, paymasters and other officers, or some of them, of the monies by them severally received in their respective offices are behind for several years, and if the whole should be delayed till their respective interest accounts can be perfectly examined and settled, the same might prove very prejudicial to her Majesty's service in many respects: be it therefore enacted by the authority aforesaid, That the commissioners of her Majesty's treasury, or any three or more of them now being, and the high treasurer, or any three or more of the commissioners of the treasury for the time being, and the chancellor, under treasurer, auditors and other officers and ministers of the Exchequer for the time being, to whom it doth or shall appertain, shall and may proceed in the declaring and finishing the respective accounts of any the said treasurers, paymasters or other officers of the monies by them received for the service of the said navy forces, and for services in the said subordinate offices, according to the ancient usage and methods of Exchequer, so as before the declaring of the last accounts of the monies by them severally received, as aforesaid, for the said respective services, all the said interest monies be duly examined and charged, as the said former act directed; any thing in the said former act contained to the contrary notwithstanding.

Treasury may proceed in finishing the accounts of the treasurers of the navy and ordnance, &c.

XXII. And whereas the sum of two hundred and twenty one thousand seven hundred and twenty four pounds, ten shillings, was issued to the paymaster general of the army, by orders and tallies for reversions of annuities, appropriated by act of parliament for the payment of the off-reckonings for clothing for the year ended the last of *December*, one thousand six hundred ninety seven, of which sum there is still remaining by orders and tallies in the hands of the paymaster general of the army, five thousand and seventeen pounds, nine shillings, one penny; be it enacted by the authority aforesaid, That the said paymaster general of the army do issue the sums so remaining in his hands to discharge such off-reckonings of clothings as were become due before the last day of *December*, one thousand six hundred and ninety seven.

Monies in the hands of the paymaster of the army how applied.

XXIII. And whereas several persons who owe money to her Majesty for customs, impositions, and other duties upon goods imported and exported, and for the excise upon beer, ale and other liquors, and for the duties upon salt, or have been concerned in receiving or returning the monies of the said branches, or some of them, have before the twentieth day of *April*, one thousand seven hundred and two, failed in their respective credits,

Treasury may compound with persons owing money for customs, excise, &c.

and on payment of composition, discharge the remainder.

Treasury may also compound with Nathaniel Molyneux, &c.

ditions, and they or their respective sureties are not able to pay the full sum due from them respectively, but can pay, or may be enabled by the assistance of friends to pay some part of their respective debts to her Majesty, in case a composition could be made with them for the same, be it enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of her Majesty's treasury, or any three or more of them, or the lord high treasurer, or commissioners of her Majesty's treasury for the time being, or any three or more of them, at any time before the twentieth day of *April*, one thousand seven hundred and three, to make such composition or agreement, as to him or them shall seem reasonable for any such debts, as aforesaid, which were incurred by persons who failed in their credit, as aforesaid, before the said twentieth day of *April*, one thousand seven hundred and two, and upon payment of the monies compounded for, to cause the remainder of the debt so compounded for to be discharged; any law, statute, or other matter or thing to the contrary notwithstanding.

XXIV. And whereas *Nathaniel Molyneux* was receiver general of his late Majesty's taxes for the counties of *Lancaster* and *Chester*, from the year one thousand six hundred eighty nine, to the year one thousand six hundred ninety two, at which time he was in arrear about fifteen thousand pounds; and the said *Nathaniel Molyneux* having sustained great losses by persons breaking in his debt, by whom he returned part of the said money, and being robbed of other part thereof, sent by the carrier in specie, and also by suffering great losses at sea during the late war; and the said *Nathaniel Molyneux*, having by the sale of an estate, and by his own industry, since discharged the far greatest part of the said debt, but is unable to pay the whole sum remaining unpaid, but being in hopes by the assistance of friends and relations to raise part thereof, in case of a composition: be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of her Majesty's treasury, or any three of them for the time being, or the lord high treasurer for the time being, to make such reasonable composition with the said *Nathaniel Molyneux* as to them shall seem meet; and upon payment of the money compounded for, to acquit and discharge him the said *Nathaniel Molyneux* of the remainder of the said debt.

XXV. And whereas upon examining and stating the debts due to the army, by the commissioners appointed by a late act of parliament for that purpose, there appeared to be due to the troops and companies of several regiments, over and above what was due for the personal pay of the commissioned officers of the said regiments, several sums of money, which the said commissioners were not impowered by the said act to certify to the paymaster general of the land forces, so as that he might make out debentures for the same, which power is likewise wanting in an act passed this session of parliament, intituled, *An act for reviving and continuing an act, intituled, An act for the appointing commissioners*

Commissioners to take, examine and determine the debts due to the army, navy, and for transport service, and also an account of the prizes taken during the late war. To the end therefore that all such as served his late Majesty and their country in the said late army, may be paid what shall appear to be due to them for their service, be it enacted by the authority aforesaid, That the said commissioners, or any three or more of them, shall have power and are hereby required and authorized to certify to the said paymaster general, such sums as shall appear due to any troops and companies in the said late army, in the name of, and payable unto such person or persons, as the colonel and majority of the captains of such regiments to which such troop and company belonged, have or shall impower to receive the said certificates, pursuant to which certificates the said paymaster general shall make out and issue debentures, payable out of the forfeited estates in the kingdom of *Ireland*, to such person or persons authorized, as aforesaid, to receive such debenture; which said person or persons so receiving such debentures, are hereby required to issue thereout unto all non-commissioned officers and soldiers of horse, foot or dragoons, their wives or children, or such other persons to whom they have assigned their pay (for debts by them due and contracted on account of the same) such share or proportion of such debentures, or the benefit thereof, as shall be made appear to be justly due unto such non-commissioned officer and soldier, by certificate under the hand of the captain in whose troop or company they served; or in case of such captain's death, under the hand of the colonel or next surviving field officer or eldest captain of the regiment; and further, the person or persons so receiving such debentures, as aforesaid, upon the receipt thereof, are required to give security to the paymaster general of double the value of what he shall receive; and also at the end of the twelve months, to return unto him the said paymaster, an account upon oath of all the debentures by him or them issued in pursuance hereof, and returning back to the hands of the said paymaster such debentures as shall remain not issued out to the end of the said twelve months.

Commissioners for the army accounts to certify the paymaster general, such sums as are due to any troops, &c. in the late army. Paymaster on certificate to issue out debentures, &c.

Persons receiving such debentures to give security, &c.

XXVI. And whereas upon the construction of a clause in an act of this present parliament, intituled, *An act for reviving and continuing an act, intituled, An act for the appointing commissioners* 12 & 13 W. 3. cap. 1.

to take, examine and determine the debts due to the army, navy, and for transport service, and also an account of the prizes taken during the late war, a doubt is made concerning the allowance thereby intended to be made, for or towards the clothing which was furnished to such men as were respited, reduced or disbanded, before the contracts of the clothiers could be paid for, out of the off-reckonings therein mentioned; it is hereby declared, That two pence *per diem* for such private soldiers, or one fourth part of their pay, to the first day of *April* next after every such respite, reducing or disbanded, shall in the respective accounts to be

Declaration of a doubt concerning allowance for clothing, for men - disbanded, &c.

stated, pursuant to the said act, be allowed for or towards the charge of the clothing of the respective troops and companies.

XXVII. And whereas by one act made in the eleventh and twelfth years of the reign of his late Majesty King William Third, intituled, *An act for granting an aid to his Majesty by sale of the forfeited and other estates and interests in Ireland, and by land tax in England, for the several purposes therein mentioned*, it is amongst other things enacted, That all the monies arising by virtue of the said act, within the kingdom of Ireland, (other than so much thereof as by any special clauses or directions in the said act contained is to be applied to other uses or purposes in the said act particularly expressed) shall be appropriated and applied, and are thereby appropriated and applied to and for the satisfying, paying and discharging of the officers arrears, and the debt owing for the transport service, and clothing, and other debts therein mentioned: and whereas by reason of the release granted this present session to several persons interested in and claiming part of the said forfeitures, the said estates may not prove sufficient to satisfy and pay the said several debts, be it therefore enacted by the authority aforesaid, That all the arrears due to the said officers, and clothiers, and debt for transport service, and the other debts in the said act mentioned, shall be allowed an interest of five per cent. per annum, from the respective days herein after expressed, which interest shall be accepted in payment of the purchase of any the said forfeited estates: and whatever of the said debts shall remain unpaid and unsatisfied by the produce of the said estates, shall be made good in the next session of parliament after the four and twentieth day of June, one thousand seven hundred and three, with the said interest of five per cent. per annum, (that is to say) the interest for and in respect of the arrears due to the said officers and clothiers, and the other debts in the said act mentioned, shall begin and commence from the four and twentieth day of December, one thousand seven hundred and one, and the interest for and in respect of the debt due for the Irish transport service, shall begin and commence from such time as the interest formerly granted by parliament shall cease and determine to be paid; and the interest for and in respect of the debts due for transport service, in the year one thousand six hundred ninety and three, shall begin and commence from the five and twentieth day of March, one thousand seven hundred and two; and the interest for and in respect of the debts due for transport service in the year one thousand six hundred ninety seven, shall begin and commence from the said five and twentieth day of March, one thousand seven hundred and two.

Allowance of
5 l. per cent.
interest on ar-
rears due to
officers and
clothiers, and
for transport
service, &c.
Debts remain-
ing unsatisfied
shall be made
good, &c.
with interest,
&c.

Further pro-
visions 8 W. 3.
c. 6. 7. 21. & 22.
9 & 10 W. 3.
c. 38.
10 & 11 W. 3.
c. 9.
2 & 3. An. c. 9.
f. 21.

CAP. XIV.

An act for enabling her Majesty to appoint commissioners to treat for an union between the kingdoms of England and Scotland.

WHEREAS the parliament of Scotland did in the reign of their late majesties King William and Queen Mary, shew their desire of an union between the kingdoms of England and Scotland, and in order thereunto did pass an act, nominating commissioners to treat concerning the union of the two kingdoms: and whereas the Queen's most excellent majesty, out of her princely zeal and care for the welfare and happiness of her subjects, is desirous of a nearer and more compleat union between her two kingdoms of England and Scotland, and hath recommended to her parliament of England, from the throne, to consider of proper methods for obtaining the same: to the end therefore that her Majesty's royal and gracious purposes may be accomplished, and such a farther union may be treated and agreed upon, as may compleat and confirm for ever a constant mutual love and friendship between the subjects of both realms; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and of the commons in this present parliament assembled, and by the authority of the same, That such persons as shall be nominated by her Majesty, under her great seal of England, or such and so many of them, as shall in that behalf be appointed by her Majesty to be of the *quorum*, shall, by force of this act, have full power, commission and authority, at such time and times, and in such place or places, as her Majesty shall please to appoint, to assemble and meet, and thereupon to treat and consult, according to the tenor or purport of their authority or commission in that behalf, with certain commissioners as shall be authorized by authority of the parliament of Scotland, of and concerning such an union of the said realms of England and Scotland, and of and concerning such other matters, clauses and things whatsoever, as upon mature deliberation and consideration of the greatest part of the said commissioners assembled, as aforesaid, and the commissioners to be authorized by the parliament of Scotland, according to the tenor or purport of their commission in that behalf, shall in their wisdoms think convenient and necessary, for the honour of her Majesty, and the weal and common good of both the said kingdoms for ever; which commissioners of both the said kingdoms shall, according to the tenor or purport of their said authorities or commissions in that behalf, reduce their doings and proceedings therein into writings or instruments *quadrupartite*, every part to be subscribed and sealed by them: to the end that one part thereof may, in all humbleness, be presented to the Queen's most excellent majesty, two other parts thereof to be offered to the consideration of the parliament for the realm of England, and another part to be offered to the consideration of the parliament for

Commissioners appointed by the Queen, may treat with commissioners of Scotland concerning an union of both realms.

for the realm of *Scotland*, at their next sessions, which shall be held in each kingdom respectively, after such writings or instruments shall be subscribed and sealed by the said commissioners; that thereupon such further proceedings may be had, as by her Majesty and both the said parliaments shall be thought fit and necessary, for the weal and common good of both the said kingdoms; to whom the entire consideration of the whole and the allowing or disallowing the whole, or any part thereof as they shall think fit, is wholly reserved.

Nothing treated of to be of force, till confirmed by parliament.

Provided also, and be it enacted and declared, That no matter or thing to be treated of, agreed or proposed by the said commissioners, by virtue of this act shall have any force or effect to be put in execution, until it be confirmed and established by act of parliament of *England*.

CAP. XV.

An act to ascertain the water measure of fruit.

WHEREAS apples and pears are frequently sold by measure, commonly called *Water measure*, the contents whereof are very uncertain, and not ascertained by law: and whereas the uncertainty thereof occasions many frivolous and vexatious suits between the buyer and the seller; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the measure, commonly called *Water measure*, shall be round, and in diameter eighteen inches and an half within the hoop, and eight inches deep, and no more, and so in proportion for any greater or lesser measure; and that every measure, commonly called *Water measure*, by which apples and pears are sold, shall be heaped as usually; and that whosoever shall sell or buy any apples or pears by or with any other measure, shall forfeit for every such offence ten shillings, one half to the informer, and the other half to the poor of the parish where such offence shall be committed, being thereof lawfully convicted by the oath of one sufficient witness before any justice of the peace, mayor, or other head officer of the county, city, or town corporate, where the said offence shall be committed, who by virtue of this act shall have power to administer an oath in that behalf, which said sum of ten shillings shall be levied by warrant from the said justice of the peace, mayor, or other head officer, by the petty constable of the same parish, of the goods and chattels of such offenders, by way of distress and sale of the offender's goods, rendering to the offender or offenders the overplus.

Water measure described.

Fruit sold by water measure shall be heaped.
Penalty.

Not to extend to sealed measures allowed by the fruiterers company of London.

II. Provided, That this act, or any thing therein contained, shall not extend to any measures sealed and allowed by the masters, wardens, assistants and commonalty of the freemen of the art or mystery of the fruiterers of the city of *London*, to be used in the measuring of fruit sold by them in the said city, and

and liberties thereof, or within three miles distance from the same city.

CAP. XVI.

An act for the enlarging and encouraging the Greenland trade.

WHEREAS by an act made in the fourth and fifth years of the reign of their late majesties King William and Queen Mary, for encouraging the Greenland fishery, a company was thereby incorporated, giving liberty to the said company, exclusive to the rest of their Majesties subjects, it is thereby enacted, That it shall and may be lawful for the said company thereby established, and for all and every the ships and vessels belonging to or employed by the said company, and truly belonging to England, Wales, or the town of Berwick upon Tweed, and whereof the masters shall be English men, and inhabiting within the places aforesaid, and for no other ship or vessel whatsoever, from and after the first day of May, in the year of our Lord one thousand six hundred ninety three, and until the first day of October, which shall be in the year of our Lord one thousand seven hundred and seven, employed for the catching of whales in the Greenland seas, and other the seas and places aforesaid, during such their voyages, to be navigated with one third of the mariners English at the least, and yet to pay no further or other custom for the oil, blubber, or fins caught and imported in such ships or vessels, than if such ships or vessels had been navigated with three fourths of the mariners English; any law, statute or usage to the contrary notwithstanding: provided always, and it is thereby further enacted by the authority aforesaid, That no English ship or other vessel belonging to England, Wales, or the town of Berwick upon Tweed, and which shall belong to, and be employed by the said company in the catching of whales in the Greenland seas, and other the seas and places aforesaid, shall enjoy any benefit or privilege by this act, unless such ship or vessel did proceed on her voyage for Greenland, and those seas, or for other the seas and places aforesaid, from England or Wales, or the town of Berwick upon Tweed, and was victualled for the said voyage in some of those places, to be attested by the collector of the port where the same ship or vessel was victualled: notwithstanding which, the said company have of late wholly neglected and lost that trade to this nation: and therefore, for the enlarging and encouraging the Greenland trade, and for the better improvement of the same for the good of England, may it please your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, which shall be in the year of our Lord one thousand seven hundred and two, it shall and may be lawful for any of her Majesty's subjects whatsoever, that will adventure to Greenland for fishing of whales, to have and enjoy all the privileges that were granted to the said company by the

4 & 5 W. & M. c. 17.

5 Geo. 2. c. 28.

6 Geo. 2. c. 37.

19 Geo. 2. c. 28.

22 Geo. 2. c. 49.

British subjects may trade to Greenland, &c.

By 10 Geo. 1.

c. 16. & 12.

Geo. 1. c. 26.

aforesaid f. 7.

*British subjects
fishing in Green-
land or in Da-
vis's freights,
may import
whale-fins, oil,
and blubber,
custom free, for
7 years.*

No harpooner,
&c. to be im-
pressed.

aforesaid act, and shall not pay any further or other duty, tho if they had been of the said Greenland company; any law or statute to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That no harpooner, or other foreigners that are permitted by the said act for carrying on the said fishery, shall be impressed for his Majesty's service.

CAP. XVII.

An act for continuing and amending the act made in the ninth year of his late Majesty's reign, intituled, *An act for the settling and adjusting of proportions of fine silver and silk, and for the better making of gold and fine thread, and to prevent the abuses of wire-drawers.*

10 W. 3. c. 39.
15 Geo. 2. c. 20.

In silver gilt used by the wire-drawers, quantity of fine gold to a pound of silver. No gilt wire to be coloured with verdigreece, &c. Six ounces of plate to cover four ounces of silk, &c. How gold and silver plate shall be spun. All metals inferior to silver shall be spun on thread, &c. No gold or silver thread, &c. to be imported. Act to continue seven years. Penalty on selling gold or silver or lace mixt, &c. or selling by any other weight than Troy weight; or making goods contrary to this act, &c. EXP.

CAP. XVIII.

An act to explain and alter the act made in the two and twentieth year of King Henry the Eighth, concerning repairing and amending of bridges in the highways: and for repealing an act made in the twenty third year of Queen Elizabeth, for the re-edifying of Cardiffe bridge in the county of Glamorgan: and also for changing the day of election of the wardens and assistants of Rochester bridge.

22 H. 8. c. 5.
concerning the
amending of
bridges,

WHEREAS by an act of parliament in the two and twentieth year of the reign of King Henry the Eighth, intituled, An act concerning repairing and amending of bridges in the highways, it is amongst other things therein enacted, That in every case where it cannot be known and proved what persons, lands, tenements, and bodies politick ought to make and repair such bridges, that for speedy reformation and amending of such bridges, the justices of the peace within their several counties, shires, ridings, and divisions, cities, and towns corporate, or any four of them, whereof one to be of the quorum, shall within the limits of their several commissions or before them the constables of every town and parish, or else two of the most honest inhabitants of every town and parish, and with the assent of the said constables or inhabitants, shall tax and set every inhabitant in such city, town, and parish, to such reasonable aid, and sums of money, as they shall think by their discretions convenient for the repairing of such bridges, and after such taxation made, shall cause the names and sums of every particular person so by them taxed, to be written in a roll indented, one part whereof is to be delivered under the hands and seals of the said justices, to two collectors appointed by the said justices for every hundred, who are thereby empowered to collect the same; which method and manner of taxing and collecting the said money for repair of decayed bridges, and the highways thereunto

thereunto adjoining, having by long experience been found very troublesome, burthensome, and chargeable to the several counties, cities, towns corporate, ridings and divisions: and whereas in many places within this kingdom, more money than is necessary for the repair of such bridges hath been taxed and collected, or the money which hath been so taxed and collected hath been misemployed, and not laid out in the repair of such bridges as was intended: for remedy of all which mischiefs and inconveniencies for the future, may it please your most excellent Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every the clauses, matters and further continued things in the said act of the two and twentieth year of the reign of the said King Henry the Eighth, not hereby altered, shall be and continue in full force and virtue, to all intents, constructions and purposes whatsoever, relating to the repairing of decayed bridges, and the highways thereunto adjoining.

II. And be it further enacted by the authority aforesaid, That for the more easy taxing and collecting of the money for the repair of decayed bridges, and that the same may be duly applied to the purposes for which it is intended, the justices of the peace, within the several limits of their commissions, shall, at their general or quarter sessions of the peace, from and after the first day of May, which shall be in the year of our Lord one thousand seven hundred and two, have full power and authority, upon due presentment to them made, that any bridge within their respective commissions or authorities is out of repair, and which by them hath usually, or ought to have been repaired and maintained, to assess upon every town, parish or place within their respective commissions, in proportions upon each respective town and parish, as they usually have been assessed towards the repair of bridges; which money so assessed as aforesaid, shall be levied and collected by the respective constables of each parish, township, hamlet or vill, or by such other person and persons, and in such manner, as the said justices, by their order at such sessions, shall in that behalf direct and appoint, and the money thereby raised shall (by such constables, or other persons, so as aforesaid by them collected) be paid over by them to the high constables of every hundred, in any such county, city, riding or division, in six days after they shall have received the same, and the high constables shall and are hereby required, in ten days after their receipt, to pay the same into the hands of such person and persons as the said justices, by their order, at such sessions shall direct and appoint to be treasurers and receivers of the same, and the money thereby raised shall be employed and accounted for, according to the orders and directions of the said justices, for and towards the amending of such decayed bridges, and the highways at the end of the said bridges, from time to time, as need shall require; and the said assessment shall be levied by distress and sale of the goods of every

For collecting money for repair of decayed bridges, justices of peace may assess every town, &c. in proportion.

Assessments how to be levied, &c.

Treasurers to be appointed, and monies how employed.

On nonpay-
ment to be
levied by di-
stresses.

every person so assessed, not paying the same within ten day after demand, rendering the overplus of the value of the goods so distrained to the owner and owners thereof, the necessary charges of making and selling such distress being first deducted.

Penalty on
constable, &c.

III. And to the end that the money which is hereby intended to be assessed and levied, may be duly collected, paid and applied to the several purposes for which it is intended, be it further enacted by the authority aforesaid, That every high constable, churchwarden, overseer of the poor, or petty constable, or other person that shall neglect to assess, collect or pay the money hereby intended to be raised, as is herein before directed, shall for every such offence forfeit the sum of forty shillings: and every treasurer that shall pay any money but by order of such justices of the peace, at such sessions (which order the said justices are hereby required and commanded to make only for the building, repairing, or amending such bridges, and the highways at the end of such bridges as aforesaid) shall for every such offence forfeit the sum of five pounds.

Fines, &c.
to be paid to
the treasurer.

IV. And whereas upon presentments and indictments for not repairing such bridges, and the highways at the end of such bridges, the fines imposed and set upon such presentments and indictments, and other fines and issues for not repairing, building and amending such bridges, and the highways at the end of such bridges, are returned into the court of Exchequer, or other courts; be it therefore further enacted by the authority aforesaid, That no fine, issue, penalty or forfeiture, shall hereafter be returned into the court of Exchequer, or other court, but shall be levied and paid into the hands of the treasurer or treasurers, so as aforesaid appointed by the said justices, to be accounted for by the said treasurer, and to be applied by the said justices towards the building, repairing or amending such bridges, and the highways at the end of such bridges, and to no other end or purpose whatsoever.

Matters con-
cerning re-
pair of bridges,
&c. where to
be determined.

V. And be it enacted by the authority aforesaid, That all matters concerning the repairing and amending of the bridges and highways herein before mentioned, shall be determined in the county where they lie, and not elsewhere; and that no presentment or indictment for not repairing such bridges, or the highways at the end of such bridges, shall be removed by *Certiorari* out of the said county into any other court.

Justices to al-
low 3d. in the
pound, &c.

VI. And be it further enacted by the authority aforesaid, That the said justices of the peace at such general quarter sessions as aforesaid, shall have full power and authority to allow such persons concerned in the execution of this present act, any sum not exceeding three pence in the pound.

General issue.

VII. And be it further enacted by the authority aforesaid, That if any action or suit shall be hereafter commenced or prosecuted against any person or persons by this act authorized to put the same in execution, every person or persons so sued may plead the general issue, and give this act, or the said recited act made in the two and twentieth year of the reign of King Henry the Eighth, and the special matter, in evidence; and it

the plaintiff shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict pass against him or her, the said defendant and defendants shall recover his and their double costs, for which he and they shall have the like remedy, Double costs. as in cases where costs by law are given to defendants.

VIII. Provided always, That this act nor any thing therein contained shall excuse or discharge any particular persons, estates, ^{Persons and things ex-} or places from repairing any bridge, ^{empted.} which they have heretofore usually repaired.

IX. And be it further enacted by the authority aforesaid, That ^{Penalties how} all the penalties and forfeitures incurred by this act shall be ap- ^{to be levied.} plied towards the repairing the said bridges, and highways at the ends of the same.

X. And whereas great inconveniencies have been occasioned by the uncertain meaning of an act made in the twenty third of Queen Elizabeth, intituled, An act for the re-edifying of Cardiffe bridge in the county of Glamorgan; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, That the act aforesaid be from henceforth repealed, and the same is hereby declared to be repealed, to all intents and purposes whatsoever. ^{23 Eliz. c. 11. repealed.}

XI. And whereas the town of Cardiffe in the said county was, before the said act of Queen Elizabeth, obliged to pay and discharge the whole expence for the repair of the said bridge, but in regard of the poverty of the said town, five parts of the said expence was by the said act directed to be raised on the county, and the sixth part only on the said town of Cardiffe: and whereas the poverty of the said town is since much increased, by reason of the great decay of trade in the said town; be it therefore further enacted by the authority aforesaid, for a more effectual provision for the time to come, That the bridge aforesaid, commonly called Cardiffe Bridge; shall from henceforth be reputed and adjudged to be a common and a publick bridge, to be repaired from time to time by the county of Glamorgan; and that the justices of the peace for the time being for the county of Glamorgan shall have full power and authority, from time to time, as occasion shall require, at their general quarter sessions, to make orders, and execute the same, as well within the town of Cardiffe, as elsewhere within the county of Glamorgan, touching the rebuilding and repairing of the bridge aforesaid, and wears thereto adjoining or belonging, in the same manner as any the justices of any other county have, or may have, concerning other common and publick bridges, by this or any other law whatsoever. ^{Cardiffe Bridge deemed a common bridge: How it shall be repaired.}

XII. Provided nevertheless, That nothing herein contained shall be construed or extend to make void or annul any order heretofore made touching the repair of the bridge and wears aforesaid. ^{Orders heretofore made not to be annulled.}

XIII. And whereas many private persons, or bodies politick or corporate, are of right obliged to repair such decayed bridges, and the highways thereunto adjoining, but because the inhabitants of the county,

Evidence of
inhabitants to
be taken in in-
formations.

ty, riding, or division, in which such decayed bridge or highway have not been allowed, upon informations or indictments brought against such person or persons, bodies politick or corporate, for repairing such decayed bridges, and the highways thereunto adjoining. the judges before whom such information or indictment is to be tried to be legal witnesses; be it enacted and declared, That in all informations or indictments to be brought and tried in any of his Majesty's courts of record at *Westminster*, or at the assizes, quarter sessions of the peace, the evidence of the inhabitants being credible persons, or any of them, of the town, corporation, county, riding, or division, in which such decayed bridge or highway lies, shall be taken and admitted in all such cases in the courts aforesaid; any custom, rule, order, or usage to the contrary notwithstanding.

18 Eliz. c. 7.

Wardens, &c.
of Rochester
bridge to be
chosen an-
nually on
Friday after
Easter week,
and enjoy the
same power.

XIV. And whereas by an act of parliament made in the eighteenth year of the reign of *Queen Elizabeth*, of blessed memory, intituled, An act for the perpetual maintenance of *Rochester bridge*, it is amongst other things enacted and appointed, That the election of wardens and assistants of the said bridge should be made on the morrow after the general quarter sessions of the peace holden for the county of *Kent*, next after the feast of *Easter*: and whereas the said time of the election, appointed by the said act, hath been found to be very inconvenient, in respect of the uncertainty of the ending of the said sessions, whereby the inhabitants of the parishes, and others that are to attend the said election, have been put to great expence and trouble, be it therefore enacted, That all and every the future and succeeding wardens and assistants of the said bridge shall be yearly chosen, at the usual place of such election, at or upon one certain day yearly (that is to say) *Friday* in the week next following the week of *Easter* yearly: and that all and every the wardens and assistants respectively, so to be elected upon *Friday* in the week next following the week of *Easter*, shall successively have, use, exercise, and enjoy the same power, authority, capacity, and privileges respectively, as any former or other warden or assistants of the said bridge respectively have had, used, exercised, and enjoyed; and that all other due requisites, matters, circumstances, and things hereafter used and observed, in and about the election of the said wardens and assistants respectively shall be used, performed, and observed; and that all and every the inhabitants and householders of any parish or parishes, and all and every other person and persons, who by reason of any law, statute, usage, or custom, have used, or ought to be present, and give their attendance at the elections of the wardens and assistants of the said bridge, shall be present, and give the like attendance, and do and perform all other things in and about the election of all and every future wardens and assistants of the said bridge, upon every *Friday* in the week next following the week of *Easter* yearly, as they have heretofore used, done, and performed, upon the morrow after the general quarter sessions of the peace next after the feast of *Easter*.

CAP. XIX.

EXP.

An act for the rebuilding and repairing the piers of the town and port of Whitby in the county of York.

7 Geo. 1. stat.

1. c. 16.

Revised by 8

Geo. 2. c. 12.

Duties to be paid. For coals shipped at Newcastle, &c. 1 q. per chaldron, and landed in Whitby haven, 6d. per chaldron. Salt 2 s. per weigh. Malt, &c. 4 d. per quarter. Foreign goods imported. Butter 1 d. per firkin. Dried fish, &c. 1d. per score. Barrelled fish, 3d. per barrel. English ship entering port, 12d. Top 4d. Foreign ship 2 s. Top 4d. Collector to have 6d. in the pound. Trustees once a year to make up an account, &c. Lord of the manor, &c. may examine the same. Trustees may contract for repairing the piers, &c. And engage the profits of the duties for monies borrowed, &c. After 6,000 l. is raised, &c. the 1 q. per chaldron to cease. Trustees account to be laid before the justices, &c. On death of trustees, survivors to elect a new one. Penalty on throwing ballast, &c. into the harbour, Coal ships belonging to Great Yarmouth exempted from duty, on certificate and oath, &c.

CAP. XX.

An act for making the river Derwent, in the county of York, navigable.

Undertakers for making the river Derwent navigable, from Scarborough mills to New Malton, &c. may make new cuts, &c. and set out towing-paths, satisfying owners of lands for damages, &c. Person declining commissioners mediation, sheriff of York to impanel a jury, who may view the place in question, and on oath may inquire and assess damages. Commissioners to give judgment thereupon, which shall be binding, &c. On payment, &c. undertakers may act, &c. Commissioners not to act where concerned. In case of death, &c. of commissioners, survivors may appoint others, having 150 l. per annum, or 3,000 l. Rates on goods, &c. to be paid. On non payment, goods, &c. may be stopt. Watermen may set up winches. Master of boat or vessel, answerable for damages, &c. Commissioners to survey the river, &c. Undertakers to bear the whole charge of cleansing, &c. Undertakers to satisfy owners of mills, &c. for damages. In case the course or stream of the river be raised, undertakers to raise the banks proportionably, &c. Marsh lands most in danger of being drowned, &c. Undertakers to give security for maintaining the rents thereof.

CAP. XXI.

An act for preventing frauds in the duties upon salt, and for the better payment of debentures at the custom-house.

FOR prevention of evil practices frequently made use of in defrauding her Majesty of her duties upon salt, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons, being a maker of salt, or a refiner of rock salt, or being a proprietor of any salt works or salt pits, shall, on or before the four and twentieth day of June, one thousand seven hundred and two, make a true and particular entry in writing under his and their respective hands, at the next salt office to their respective pits, works, or places of habitation, of the number and situation of his and their respective salt pits and salt works, and of the number of pans in each salt work, and of the number and situation of every storehouse, warehouse, and other place, by him or them made use of, for the making, refining, or keeping of salt or rock salt, on pain of forfeiting the sum of forty pounds; and all and

Makers, &c.
of salt shall
enter the
number, &c.
of their salt
pits and pans,
&c.

VOL. X.

G g

every

Penalty.

every maker of salt, refiner of rock salt, and proprietor of salt works or salt pits, who, after the said four and twentieth of *June*, one thousand seven hundred and two, shall erect, up, or make use of any salt work, salt pit, salt pan, storehouse, warehouse, or other place, for the making, laying, refining, keeping of salt or rock salt, without giving notice thereof at next salt office, shall forfeit and lose for every salt work, salt pan, storehouse, warehouse, or other place, so erected, up, or made use of, without such notice, as aforesaid, the sum of forty pounds.

Officer may enter into salt work, &c.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the several officers for the said duties, to enter into all and every the works, warehouses, storehouses, and other places made use of by any maker, refiner, importer of salt, or proprietor of rock salt, for the better looking after the said duties, and preventing frauds therein; and any salt maker, importer of salt, or any refiner or proprietor of rock salt, after the said four and twentieth day of *June*, upon due request or demand made by the officers for the said duties, in the day-time, or in the night in the presence of a constable or other lawful officer of the peace, refuse to permit the officer to enter and come into his or their works, warehouses, storehouses, or other place by him or them made use of for the making, laying, refining, or keeping of salt, such maker, importer of salt, and the refiner or proprietor of rock salt, respectively, shall forfeit and lose for every such offence the sum of forty pounds.

Penalty on refusal.

III. *And whereas great quantities of salt are frequently found in the custody or possession of several persons who live near the salt works or sea coasts, which salt is not duly entred, nor any duties paid for the same, and if discovered by the officers for the said duties, the persons in whose custody or possession the same is found, pretend that the same doth not belong to them, so that the penalties by law imposed on persons that landed such salt, or removed the same from the salt works without entry or payment of duties, cannot be inflicted on such offenders: for remedy whereof be it enacted by the authority aforesaid, That every person in whose custody or possession any salt shall be so found, which hath not been duly entred, and the duties thereof paid, or secured to be paid, shall in case the same be foreign salt, be liable to the same penalties and forfeiture as if such person had landed the same without entry or payment of duties, or giving security for the same; or in case the same shall be *English* salt, then to be liable to such penalties and forfeitures, as if such person had removed such salt from the salt works, without entry, or paying or securing the duties thereof, and without any ticket or licence obtained for removing the same, unless the person or persons, in whose custody or possession such salt shall be found, shall make it appear, upon the trial or hearing of the information for such offence, that he bought such foreign or *English* salt of a maker, retailer, or importer of salt, and of whom he so bought the same.*

Penalty on salt found, and not entred or duty paid,

IV. A.

IV. *And whereas several persons, especially salt carriers, do frequently carry salt from the salt works and storehouses of the makers of salt, without entry or payment of duties, or giving security for the same; and when they find themselves pursued by the officers for the said duties, with force obstruct and hinder the officers from making seizures thereof, and frequently beat and abuse them, whereby they are very much discouraged in performance of their duties; and sometimes the said persons scatter the said salt, on the ground, or cast the same into water, to prevent the seizure thereof; and the said offenders being for the most part very poor, are not able to pay the penalties by law imposed on them for such offences, and sometimes before such penalties can be adjudged against them, make their escapes to remote parts, and cannot be found: for remedy thereof be it enacted by the authority aforesaid, That if any salt carrier, or other person or persons whatsoever, shall, from and after the said four and twentieth day of June, remove or convey any salt from any salt works, or place thereunto belonging, without due entry of the same, and payment of the duties thereof, or giving security for such duties, or without warrant, ticket, or licence for carrying or removing the same, that then, and in every such case, it shall be lawful for the officers for the said duties, not only to seize the salt so removed, but also to apprehend the said offender or offenders, and carry him, her and them before one of her Majesty's justices of the peace of the county or place where the offence shall be committed: and in case the said offence shall be proved before the said justice of the peace, and the offender or offenders shall not forthwith pay down the penalties by the laws relating to the said duties imposed on such offender or offenders, for the offence so proved on such offender or offenders, and no sufficient distress can be found whereupon to levy the same, it shall be lawful for the said justice of the peace to commit such offender or offenders to the house of correction, there to be whipt and kept to hard labour, for any time not exceeding one month: and if any person or persons shall obstruct or hinder any officer or officers for the said duties in the execution of his or their offices, or the powers given them by this act, or any other law relating to the said duties, or shall beat or abuse the said officers, or any of them, in the execution of his or their offices, such person and persons shall for every such offence forfeit and lose the sum of twenty pounds; and for nonpayment thereof, and in default of distress whereby to levy the same, it shall and may be lawful for any of her Majesty's justices of the peace, upon due proof of such offence, to commit such offender or offenders to the house of correction, there to be whipt and kept to hard labour, for any time not exceeding one month.*

Salt carriers removing salt before entry, &c.
Officer may seize the same, &c.

on nonpayment of the penalties, &c.
to be imprisoned.

Penalty on person hindring or abusing officer.

V. *And whereas several persons do make use of brine taken out of brine pits or brine pans, for curing or pickling of flesh and fish, or for preserving of other provisions, without boiling the same into salt, and also of rock salt or salt rock, without refining the same into white salt, whereby her Majesty's duties on salt are much prejudiced: for prevention thereof be it enacted by the authority aforesaid, That*

Penalty on person using brine for curing or pickling of flesh or fish, &c.

The like penalty on persons carrying brine from the pits, except proprietors of pans, &c.

5 Geo. 1. c.
28. s. 17.

from and after the said four and twentieth day of *June*, a thousand seven hundred and two, no person or persons what ever shall make use of any such brine before the same is boiled into salt, or of any rock salt or salt rock, before the same is refined into white salt, for the pickling or curing of flesh or fish or for the preserving of any provisions, upon pain of forfeiting the sum of forty shillings for every gallon of such brine or powder of rock salt or salt rock so made use of, contrary to the true intent and meaning of this act, and so in proportion for a greater or lesser quantity.

84 pounds weight deemed a bushel of foreign salt.

VI. *And whereas her Majesty is very much defrauded of her due upon foreign salt, by the different and uncertain measuring of the sea upon the importation and exportation thereof:* for remedy thereof be it enacted by the authority aforesaid, That from and after the said four and twentieth day of *June*, eighty four pounds weight of foreign salt shall be deemed and taken to be a bushel of foreign salt, both upon the importation and exportation thereof; any thing herein, or in any former law to the contrary in any wise notwithstanding.

Officer may compel ship laden with salt, and hovering on the coast, to come into port, &c. and on refusal may enter, &c.

VII. *And whereas the importers of foreign salt do bring the same in vessels on the several coasts of this kingdom, and dominion of Wales, and lie hovering off the said coasts, and will not bring the same into port, or land the said salt, until they can get an opportunity of running such salt without entry or payment of duties; and in many cases when they do bring the same into port, yet continue such salt in port on board their vessels, and refuse to enter or land the same, and in the night-time, or absence of the officers from on board such vessels, privately run the said salt on shore, without entry or payment of duties, or giving security for the same:* for prevention thereof, be it further enacted by the authority aforesaid, That from and after the said four and twentieth day of *June*, where any ship or vessel laden with salt shall be found hovering on the coasts of *England* or *Wales*, not directly proceeding on her voyage to some port, it shall and may be lawful to and for the officers of the customs, or the officers for the said duty on salt, to go on board such vessels, and compel the same to come into port, and to continue on board such ships or vessels until the salt shall be unladen, or the said ship or vessel shall depart from the said port, on her intended voyage, to some other place; and if the persons on board such ship or vessel, or any other ship or vessel importing salt, shall neglect or refuse to enter or unlade such salt, for the space of twenty days after the same is come into port, or within that time to depart and proceed regularly on their voyage to some other place, unless permitted by the chief officer of the customs for that port to make a longer stay, then and in such case, all the salt on board such ship or vessel shall be forfeited, and double the value thereof, to be recovered of the master of such ship or vessel, or the person commanding the same in that voyage.

Salt forfeited, &c.

No foreign salt to be imported in any

VIII. Provided always, and be it enacted by the authority aforesaid, That from and after the said four and twentieth day of *June*, no foreign salt shall be imported from parts beyond the

he seas, in any ship or vessel of less burthen than twenty tuns, vessel less than
and in bulk only (except for the necessary provisions of the ships) 20 tuns.
upon pain of forfeiting the said salt, and double the value there- Exception.
of, to be recovered of the person importing the same. Penalty.

IX. And be it further enacted by the authority aforesaid, 65 pounds
That from and after the said four and twentieth day of *June*, weight of
ixty five pounds weight of rock salt shall be deemed and taken rock salt
to be a bushel of rock salt; any thing in the said former acts deemed a
contained to the contrary in any wise notwithstanding. bushel.

X. And it is hereby also enacted, That from and after the No rock salt
said four and twentieth day of *June*, no rock salt whatsoever to be refined
shall be refined or made into white salt in any place or places but within 10
whatsoever, within the kingdom of *England*, dominion of *Wales*, miles of the
or town of *Berwick upon Tweed*, (except such places as are or pit.
shall be within ten miles distance of the respective pit or pits Lawn Marth
from whence such rock salt shall be taken, or at such places as provided for by
upon or before the tenth day of *May*, one thousand seven hun- 2 & 3 Annæ,
dred and two, shall have been used for the refining of rock salt) c. 14. f. 20.
under the pain of forty shillings for every bushel of rock salt and by 6 Annæ,
shall be melted or refined in any house, place or places, not by c. 12. f. 2.
his act allowed for that purpose, and so in proportion for a Farther provi-
greater or lesser quantity. sion: 5 Annæ,
c. 29. f. 16.
8 Geo. 2. c. 12.
f. 2.

XI. And whereas by the several acts for laying duties upon salt, No drawback
any person exporting salt to parts beyond the seas, is intitled to a draw- allowed on ex-
back of the whole duty of the salt so exported; and it is found by ex- portation of
perience, that many exporters of salt and rock salt, after they have ob- salt, without
tained the said drawback, or a debenture for the same, do privately certificate of
reland such salt or rock salt in *England* or *Wales*, without paying the quantity
the duties thereof upon such relanding: for prevention thereof, be it landed, &c.
enacted by the authority aforesaid, That from and after the said four By 4 Annæ, c.
and twentieth day of *June*, no debenture shall be made or grant- 12. f. 11. a
ed, or drawback allowed to be paid, for or upon account of the drawback is to
exportation of any salt or rock salt for *Ireland*, until the exporter be allowed for
of the said salt or rock salt shall produce, to the officer appoint- salt lost, &c.
ed to make such debenture, a certificate under the hand of the Collectors to
collector of the customs of the port in *Ireland*, where such salt weigh such
or rock salt shall be landed, or the person executing his office, salt, and make
of the particular quantity of salt or rock salt actually landed, certificate
to be computed after the rate of fifty six pounds weight to the gratis, &c.
bushel, in case the same shall be *English* white salt, and after the
rate of sixty five pounds to the bushel, in case the same shall be
English rock salt, and after the rate of eighty four pounds to the
bushel, in case the same shall be foreign salt; which salt and rock
salt is hereby directed and required to be weighed by the said
collectors or persons executing their respective offices, and the
said certificate to be made gratis and without delay. And it is
hereby enacted, That no drawback shall be allowed or paid for
more salt or rock salt, of the quantity exported in such vessel,
than what shall appear by such certificate to have been actually
landed in *Ireland*.

If a salt ship be
drove into
port by stress
of weather,
&c.

Officer may
come on
board, &c.

Penalty on
refusing to
admit him.

If salt be put
on shore be-
fore entry,
&c. cargo
forfeited.

Salt shipped
to be trans-
ported, &c.

Officers to ex-
press in the
cocquet the
quantity
thereof, &c.

Further provi-
sions relating
hereto, 5 Geo.
2. c. 18. s. 25.

Penalty.

XII. And be it further enacted by the authority aforesaid That if any ship or vessel laden with salt exported, to be carried to parts beyond the seas, shall, from and after the said four and twentieth day of *June*, by stress of weather, or otherwise, drove or come into any port, creek, harbour or other place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, it shall and may be lawful to and for the officer of excise on salt for such place, appointed or to be appointed for that purpose by the commissioners of excise, to enter or come on board such ship or vessel, and there to continue and be, the said ship or vessel shall unlade her cargo, or return to sea to go her intended voyage, under the penalty of twenty pounds to be recovered of the master of such ship or vessel, who shall refuse such officer so to come and continue on board as aforesaid. And if the said master, or any other person, shall unlade or put on shore any part of the said salt, before due entry or repayment of the duty, as by the statutes in that behalf made is provided, then, and in every such case, not only the said salt so unladed but also the whole cargo of salt in such ship or vessel remaining shall be forfeited and lost.

XIII. And be it further enacted by the authority aforesaid That where any salt, as well foreign as *English*, shall be laden on board any ship or vessel, either to be transported to parts beyond the seas, or carried coastwise, to be relanded in *England*, *Wales*, or *Berwick*, the officer of the customs of the port where the said salt shall be laden on board any such ship or vessel, shall in the cocquets made out and delivered for such ship or vessel (which cocquet shall be also signed by the officer in the said port appointed by the commissioners of excise for the duty on salt, and given without fee or delay) express the particular quantity of salt so laden on board: and in case such ship or vessel shall come into any port, creek, harbour or place in *England*, *Wales*, or *Berwick*, it shall be lawful for the officers of the customs, or other officers for the said duties, to go on board any such ship or vessel, and demand a sight of such cocquet, and in case he or they shall have just cause to suspect that there is not so much salt on board as the quantity expressed in such cocquet, and shall make affidavit thereof before the collector or customer of the said port, or person executing their or either of their offices, to weigh all the salt remaining on board; and in case, upon such weighing, there shall appear not to be so much salt on board as the quantity expressed in such cocquet, making reasonable allowance for the waste of the said salt since its exportation, and making also allowance (for salt going coastwise) of salt delivered at another port, and indorsed in the salt permit, going with the said vessel, as delivered at such port, then and in such case the said salt so remaining on board shall be forfeited and lost.

XIV. And for prevention of frauds frequently practised in curing fish at sea with salt, which hath not, or shall not have been entered, nor the duties thereof paid, or secured to be paid, according to the directions of the former laws, or with salt exported from *England* or *Wales*,

Nales, the duties whereof shall have been repaid upon such exportation, or debentures obtained, in order to the drawing back of the same; be it further enacted by the authority aforesaid, That from and after the nine and twentieth day of September, one thousand seven hundred and two, no fish, for which allowances are by law given upon exportation, shall be imported, brought in, or landed within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, unless the owner or proprietor of such fish, or the master of the vessel, shall make oath before the officer for the said duties, in the port or place where such fish shall be imported, brought in, or landed (who shall administer the same without fee or charge) That all the salt wherewith the said fish was cured, was laden or put on board from some port of England, Wales, or Berwick, and that no drawback or allowance, or debenture for the same, hath to his knowledge or belief been had or obtained, or is intended to be had or obtained, upon the exportation or carrying out of the said salt, or any part thereof, upon pain of forfeiting such fish that shall be imported, brought in or landed, contrary to the intent or meaning hereof, and double the value thereof, to be recovered of the importer or proprietor thereof. No fish, &c. shall be imported, but what was cured with salt for which duty is paid, and no drawback allowed, &c.

XV. And whereas the officers appointed by the commissioners of excise to take care of the duties on imported salt, and to prevent frauds in the undue obtaining debentures for drawbacks, and allowances out of the said duties, are not, by any of the laws relating to the said duties, sufficiently impowered to go on board ships and vessels for that purpose, although the duties on salt are under the management of the said commissioners and their officers; be it therefore enacted by the authority aforesaid, That from henceforth it shall and may be lawful to and for the officers appointed by the commissioners of excise for the said duties on salt, from time to time, to go on board all ships importing or exporting any salt or fish, and to continue on board such ships, to take an account of such salt and fish, and see the same weighed, landed or exported; and if any person or persons shall obstruct or hinder any of the said officers in performance of their duties aforesaid, then, and in every such case, the person offending therein shall forfeit the sum of twenty pounds. Officers for the salt duties may go on board all ships exporting salt, &c. Penalty on persons obstructing.

XVI. And whereas her Majesty's duties on salt are much lessened by the exportation of great quantities of fish, in regard the exporters thereof, after the same are carried out of port, and allowances, or debentures for allowances out of the duties on salt, had or obtained on such exportation, do frequently bring back such fish into port, and re-export the same, and obtain a second or more allowances for the very same fish: for remedy thereof be it enacted by the authority aforesaid, That from and after the said four and twentieth day of June, one thousand seven hundred and two, it shall and may be lawful for the officers for the said duties on salt, in the several and respective ports of the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, upon the exportation of any codfish, ling, or hake, and before the same shall be laid on exportation of codfish, ling, &c.

Officer may cut off part of the tail, &c.

on board for exportation, to cut off part of the tail of *every* ~~the~~ codfish, ling, or hake, before the same shall be so exported, the intent it may be known that such codfish, ling, or hake ~~has~~ been so exported, and allowances obtained on exportation ~~the~~ of, in case the same shall be re-landed or re-imported; and ~~that~~ that it shall be lawful upon the exportation of any pilchards, scads, white herrings, red herrings, salmon, or dried red sprats and before the same shall be laid on board for exportation, mark any cask, barrel, or other vessel, wherein any such pilchards, scads, white herrings, red herrings, salmon, or dried sprats, shall be exported, to the intent it may be known that such pilchards, scads, white herrings, red herrings, salmon, dried red sprats, have been exported, and allowances obtained on exportation of the same, in case the same, or any of the same shall be re-landed or re-imported.

and mark casks of pilchards, scads, &c.

Codfish, &c. exported and fraudulently re-landed,

XVII. And be it further enacted by the authority aforesaid That in case any codfish, ling, or hake, or any pilchards, ~~for~~ white herrings, red herrings, salmon, or dried red sprats, ~~its~~ after the same shall be exported, be fraudulently re-landed in *England*, or *Wales*, the town of *Berwick upon Tweed*, or re-imported, all the said fish, so re-landed or re-imported, shall be forfeited and lost, and double the value thereof, to be recovered of the importer or proprietor thereof.

forfeited, &c.

Salt maker not to act as justice of peace, in cases relating to the duties on salt, &c.

XVIII. And be it further enacted by the authority aforesaid That no salt maker, or dealer in salt, shall act as a justice of the peace, in any matter or thing relating to the duties on salt, or any offence committed against the laws relating to the same; and in case there shall not be a sufficient number of justices of the peace in any corporation (that are not makers or dealers in salt) sufficient to hear and determine the offences relating to the said duties, then, and in such case, the justices of the peace of the county next adjoining to such corporation shall have hereby power and authority, from time to time, to hear and determine all offences, matters, and things, relating to the said duties on salt, in the same manner as if they were justices of the peace for such corporation respectively; any law, statute, or provision to the contrary thereof in any wise notwithstanding.

Penalties and forfeitures how to be recovered,

XIX. And be it further enacted by the authority aforesaid That the several penalties and forfeitures, hereby given and imposed, shall be recovered and levied by the same ways, means, and methods, as any penalties and forfeitures can or may be recovered and levied by any of the laws of excise, or by action of debt, bill, plaint, or information, in any of her Majesty's courts of record at *Westminster*, wherein no essoin, protection, or wager of law shall be allowed, nor any more than one imparlance: and that the said penalties and forfeitures shall be distributed in manner following (*viz.*) one moiety thereof to her Majesty, her heirs and successors, and the other moiety to him or them that will sue or inform for the same.

and distributed.

XX. And whereas the allowances given by the several acts relating to the duties on salt, upon the exportation of codfish, ling, and hake, *therein*

erein mentioned, do much exceed the duty of the salt usually employed in the curing the same, so that many persons, for the sake of the said allowances only, do export such fish not duly cured, and fish of every small size, not having a due quantity of salt made use of in curing the same, which is not only a prejudice to her Majesty in her said duties on salt, but also a great disparagement to the trade of English fish in foreign markets; be it further enacted by the authority aforesaid, That in lieu of the several allowances given out of the said duties on salt, by the acts relating to the same, upon the exportation of any codfish, ling, or hake, there shall be allowed and paid the several and respective sums herein after mentioned, for the several and respective sorts of codfish, ling, or hake, herein after mentioned, which shall be exported from any port or place in *England, Wales*, or town of *Berwick upon Tweed*, from and after the said four and twentieth day of *June*; that is to say,

Allowances on exportation of codfish, ling, &c.

XXI. For every hundred of codfish, ling, and hake (other than and except dried cod, ling, or hake, commonly called *Haberdines*) which shall contain in length four and twenty inches and upwards, from the bone in the fin to the third joint in the tail of such fish, the sum of fifty shillings, and so in proportion for a greater or lesser quantity.

For codfish, &c. 24 inches long, 50s. per hundred;

XXII. For every hundred of codfish, ling, or hake (other than and except dried cod, ling, or hake, commonly called *Haberdines*) which shall be of the length of eighteen inches, or more, and under the size of four and twenty inches, from the bone of the fin to the third joint in the tail of such fish, the sum of five and twenty shillings, and so in proportion for a greater or lesser quantity.

of 18 inches, 25s. per hundred.

XXIII. For every hundred of dried codfish, ling, or hake, commonly called *Haberdines*, one moiety of the allowance given by this act for other codfish, ling, and hake, of the same dimensions; upon debentures, to be prepared according to the directions of the several acts relating to the said duties, and doing and performing such other matters and things, as by the said former acts, and this present act, are required and prescribed, in order to the obtaining such allowances.

For haberdines one moiety, &c.

XXIV. Provided always, and it is hereby further enacted by the authority aforesaid, That in case any of the said duties upon salt shall cease, determine or be redeemed by parliament, then, and in any of the said cases, the said allowances upon exportation of codfish, ling, or hake, hereby settled, shall be lessened in proportion to the duties on salt that shall so cease, determine or be redeemed.

In case salt duties cease, allowances to be lessened, &c.

XXV. And it is hereby declared and enacted, That no allowance shall be paid out of the said duties on salt, for or on account of the exportation of any fish, that are or shall not be well cured, or shall be unmerchantable, nor for any conger.

No allowance to be made for fish not well cured, &c. nor for conger.

XXVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for her Majesty (if she please) from time to time to constitute and appoint particular

Queen may appoint particular commissioners for salt.

com-

commissioners, separate and apart from the commissioners; governors of the receipt of excise, for the receipt, management and government of the said duties on salt, during her Majesty's pleasure; and upon her Majesty's constituting and appointing such particular commissioners for the said duties on salt, during such time only as her Majesty shall from time to time think fit to continue the same under the receipt and management of such particular commissioners, all and every the powers and authorities given by this act, and by the several acts relating to the said duties on salt, or any of them, to the commissioners and governors of the receipt of excise, and the collectors and other officers for the said duties under them, shall be and are hereby vested and transferred to such particular commissioners as her Majesty shall so from time to time constitute and appoint for the receipt, government, and management of the said duties on salt; and the collectors and officers to be, from time to time appointed by such particular commissioners, or the major part of them respectively, and all and every the powers, authorities, rules, directions, methods, clauses, matters, and things, which in and by the said acts, relating to the said duties upon salt, are directed to be exercised, practised, applied, used, and put in execution by the said commissioners and governors of the receipt of excise, and their officers under them respectively, with relation to the said duties on salt, or any penalties, forfeiture, frauds, or offences against the said acts, or any of them, relating to the same, shall, during such time as her Majesty shall please to continue the said duties on salt under the receipt and management of such particular commissioners, be exercised, practised, applied, used, and put in execution by such particular commissioners, and the officers under them respectively for the time being.

Officers to
take security
for salt entred
to be exported.

XXVII. Provided always, and be it enacted by the authority aforesaid, That where any salt or rock salt shall be entred according to the former laws relating to the said duties on salt, and the same shall be intended to be exported to part beyond the seas, then, and in such case the officers for the said duties on salt shall be and are hereby authorized and empowered to take sufficient security from the merchant or merchants that intend to export such salt or rock salt, for the due payment of the duties thereof, without insisting, that the original proprietor of such salt or rock salt be bound in such security.

9 & 10 W. 3.
c. 6.

XXVIII. And whereas notwithstanding the act of parliament for obliging all persons to sell salt by weight, the same is not observed, by reason the persons that buy the same refuse to buy the same of the proprietors otherwise than by measure, to the great prejudice of the said proprietors: for remedy whereof be it enacted by the authority aforesaid, That from and after the said four and twentieth day of June, no person shall buy any salt otherwise than by weight, and not by measure, under the penalty of ten shillings for every bushel of salt which shall be bought contrary to the true meaning hereof, and so in proportion for a greater or

No person to
buy salt but by
weight.
Penalty.

lesser quantity, to be paid by the person or persons so buying the same, to be recovered and distributed, as any the penalties by this act inflicted are hereby directed to be recovered and distributed.

XXIX. *And whereas the salt proprietors having a liberty to pay the duty in ready money, or give security to pay the same, in nine months for the rock, and in six months for other salt, tends only to the benefit of the richer sort of proprietors, but is destructive to the salt trade in general, through the difficulties attending such as have not ready money, thereby causing several bonds to be sued, when by due encouragement to such, as well as other proprietors, it might in great measure be prevented, and the duty sooner paid; be it therefore enacted by the authority aforesaid, That all and every person and persons who shall give such security, as aforesaid, (shall have liberty, at any time within twenty eight days after giving the same, to pay the duty thereby secured, and on payment thereof shall have and receive a discount after the rate of ten pounds per centum per annum, for the remainder of the time for which such security shall be given.*

Persons paying duty in 28 days after security given, to have a discount, &c.

XXX. *And whereas several fishermen who used the north sea fishery, did, in the year one thousand seven hundred, ship several quantities of salt at North and South Shields near Newcastle upon Tyne, giving bonds, for the duties thereof, and then exported the said salt to the north seas, where they spent it in curing and salting of fish caught in those seas, believing that upon affidavit of shipping of the said salt, and its not being reloaded in England or Wales, they might be intitled to a drawback of the duties which some other fishermen in the like case had obtained, as if such salt had been actually exported to parts beyond the seas; and upon bringing home their said fish, sold the same to several retailers at home markets, at a low price accordingly: now, forasmuch as such fishermen might be ignorant that they were liable to pay the said duties, notwithstanding such salt was spent in curing of fish, and they not being enabled by the price thereof to pay the same, a prosecution upon such their bonds would ruin them and their families: for prevention whereof, upon due proof to be made before the commissioners for the excise or salt duties, that such salt so shipped off was by them spent in curing and salting of fish caught in the north seas, that the said fish was afterwards sold to retailers at home markets, at a low price, and that no drawback or allowance has been already made or paid by the said commissioners for the excise or salt duties; be it enacted by the authority aforesaid, That all such bonds as were so given at North and South Shields near Newcastle, for the duties of such salt so expended, as aforesaid, and for which no drawback or allowance has already been made upon exportation thereof, shall be, and the same are hereby made and declared void, and of none effect: and the commissioners for the excise or salt duties for the time being are hereby impowered and directed to cancel or deliver up the same to the respective persons herein concerned, who shall desire such bonds, or any of them; and that all prosecutions at law upon the said bonds do cease and determine.*

Bonds given by fishermen who used the north sea fishery, Anno 1700, &c. made void. Commissioners to cancel the same, and prosecutions to cease.

XXXI. *And*

Pilchards.

XXXI. *And whereas divers frauds have been committed in curing and packing of pilchards, by which means a great disrepute is brought on the said commodity beyond the seas, which tends as well to the great dishonour of the English nation, as to the destruction of their trade.* For remedy whereof be it enacted by the authority aforesaid That from and after the said four and twentieth day of June, no person or persons do presume to cure or pack pilchards for sale unless he or they be owner or owners, or part owners of some seyn or seyns, or of drift-net or drift-nets, or have the consent of such owners in writing, and that on each cask or hogthead of pilchards, the word *seyn* or *drift* (according to the manner their being taken) shall be burnt with an iron in some visible part thereof, together with the name and surname of the owner or owners of the same, as also the number of pilchards contained in each cask or hogthead, under the penalty of the forfeiture of double the value of the said fish for every such offence to be recovered and disposed as other penalties by this act are to be recovered and disposed.

6 W. 3. c. 7.

XXXII. *And whereas by an act made in the sixth year of the reign of his late Majesty King William the Third, several additional duties upon coffee, tea, chocolate and spices were granted to his said late Majesty, from the first day of May, one thousand six hundred ninety five, to the second day of May, one thousand six hundred ninety eight; and it was thereby enacted, That two thirds of the said duties of such of the said goods as should be exported within the times by the said act limited, should be repaid to the exporter thereof; which said duties were afterwards continued to the first of May, one thousand seven hundred and one, and afterwards further continued to the first of May, one thousand seven hundred and six: and whereas by another act made in the eleventh year of his said late Majesty's reign, an additional duty of fifteen per centum was granted to his said late Majesty, upon all wrought silks, bengals and stuffs, made or mixed with silk or herba, of the manufacture of Persia, China, or the East Indies, and upon all callicoes painted, dyed, printed or stained there, and also upon all muslins, from the five and twentieth of March, one thousand seven hundred, to the thirtieth of September, one thousand seven hundred and one; and it was thereby further enacted, That the said duty upon such of the said goods, as should be exported within twelve months after the importation thereof, should be repaid, or that the security given for the same should be vacated; which said duty of fifteen per centum on muslins is by another act continued to the thirtieth day of September, one thousand seven hundred and six: and whereas also by another act made in the eighth year of his said late Majesty's reign, there was granted to his said late Majesty an additional subsidy of tunnage and poundage, and other duties therein mentioned, upon certain goods and merchandizes, from the first of May, one thousand six hundred ninety seven, to the first day of February, one thousand six hundred ninety nine; and by the said act it is further enacted, That the said subsidy, and other duties upon such of the said goods, as should be again exported within the time limited by the said act, shall be repaid to the exporter thereof; which said subsidy and other*

11 W. 3. c. 3.

additional duty of fifteen per centum was granted to his said late Majesty, upon all wrought silks, bengals and stuffs, made or mixed with silk or herba, of the manufacture of Persia, China, or the East Indies, and upon all callicoes painted, dyed, printed or stained there, and also upon all muslins, from the five and twentieth of March, one thousand seven hundred, to the thirtieth of September, one thousand seven hundred and one; and it was thereby further enacted, That the said duty upon such of the said goods, as should be exported within twelve months after the importation thereof, should be repaid, or that the security given for the same should be vacated; which said duty of fifteen per centum on muslins is by another act continued to the thirtieth day of September, one thousand seven hundred and six: and whereas also by another act made in the eighth year of his said late Majesty's reign, there was granted to his said late Majesty an additional subsidy of tunnage and poundage, and other duties therein mentioned, upon certain goods and merchandizes, from the first of May, one thousand six hundred ninety seven, to the first day of February, one thousand six hundred ninety nine; and by the said act it is further enacted, That the said subsidy, and other duties upon such of the said goods, as should be again exported within the time limited by the said act, shall be repaid to the exporter thereof; which said subsidy and other

12 & 13 W. 3. c. 11.

8 W. 3. c. 24.

additional subsidy of tunnage and poundage, and other duties therein mentioned, upon certain goods and merchandizes, from the first of May, one thousand six hundred ninety seven, to the first day of February, one thousand six hundred ninety nine; and by the said act it is further enacted, That the said subsidy, and other duties upon such of the said goods, as should be again exported within the time limited by the said act, shall be repaid to the exporter thereof; which said subsidy and other

other

her duties were afterwards continued, during his said late Majesty's
 e, and are by an act of this present parliament granted to her pre-
 it Majesty, during her Majesty's life (which God long preserve). 1 Annæ, stat. 1.
 and whereas several of the said commodities were imported, and the C. 7.
 ties thereof paid upon such of the said acts as are expired, and the
 me commodities have been since exported, and the exporters thereof
 e become intituled to a drawback of the said duties, or some part there-
 , according to the provisions made in the said respective acts for that
 rpose: but in regard the said duties have been paid into the Exche-
 er, and from thence issued to the purposes for which they were by the
 id respective acts appropriated, there doth not remain sufficient of
 e said duties for the payment of the said drawbacks; and there being
 expresse provision made in the several acts, whereby the said duties
 e respectively continued, some doubt hath arisen, whether the duties
 hich have or shall accrue since the continuation of the same, shall be
 ble to the payment of the said drawbacks of the said duties upon the
 id expired acts; and thereby the said exporters are kept out of their
 oney, and the trade in the said commodities very much discouraged:
 r remedy whereof be it enacted and declared by the authority
 orefaid, That the debentures for the said drawbacks of the
 ties which were paid upon the said acts expired as aforesaid,
 all be satisfied out of the monies arising by the said respective
 ts now in force for the duties continued as aforesaid; that is
 say, The debentures which should have been paid out of the
 id additional duties upon coffee, tea, chocolate and spices, de-
 rmined as aforesaid, shall be paid out of the said present du-
 es continued as aforesaid upon the same commodities: and the
 id debentures which ought to have been satisfied out of the
 id expired duties of fifteen *per centum* shall be paid out of the
 id present duty of fifteen *per centum* upon muslins; and such
 the said debentures as ought to have been satisfied out of the
 id additional subsidy of tunnage and poundage expired as a-
 refaid, shall be paid out of the said present duty of tunnage
 id poundage now payable to her present Majesty.

Debentures
 for the draw-
 backs due on
 the aforesaid
 expired acts,
 shall be satisfi-
 ed out of the
 monies arising
 by the afore-
 said acts con-
 tinued.

C A P. XXII.

*an act to declare the alterations in the oath appointed to be
 taken by the act, intituled, An act for the further securi-
 ty of his Majesty's person, and the succession of the
 crown in the protestant line, and for extinguishing
 the hopes of the pretended prince of Wales, and all
 other pretenders, and their open and secret abettors,
 and for declaring the association to be determined.*

WHEREAS by the demise of his late Majesty King William
 the Third, and the accession of her present Majesty Queen
 Anne, to the imperial crown and dignity of these realms, the form of
 oath contained in an act made in the thirteenth year of the reign of
 said late Majesty, intituled, An act for the further security of
 Majesty's person, and the succession of the crown in the pro-
 testant line, and for the extinguishing the hopes of the pretend-
 ed

13 W. 3. c. 6.

Oath in the
act 13 W. 3. to
be administred
as here set
down, viz.

ed prince of *Wales*, and all other pretenders, and their open and secret abettors, is now become necessary to be altered; be-
therefore declared and enacted by the Queen's most excellent
majesty, by and with the advice and consent of the lords spiri-
tual and temporal, and commons, in this present parliament
assembled, and by the authority of the same, That from and
after the twentieth day of *April*, one thousand seven hundred
and two, the oath in the said recited act mentioned, be adminis-
tered in such manner and form as is herein after set down and
prescribed (that is to say)

Altered by
5 Annæ, c. 8.
article 22 and
by 6 Ann. c. 7.
s. 20. and c. 21.

1 W. & M.
ft. 2. c. 2.

12 & 13 W. 3.
c. 2.

I A. B. do truly and sincerely acknowledge, profess, testify and de-
clare, in my conscience before God and the world, That our so-
vereign lady Queen Anne, is lawful and rightful Queen of this realm,
and of all other her Majesty's dominions and countries thereunto be-
longing. And I do solemnly and sincerely declare, That I do believe in
my conscience, that the person pretended to be prince of *Wales*, dur-
ing the life of the late King James, and since his decease pretending
to be and taking upon himself the stile and title of King of England,
by the name of James the Third, hath not any right or title what-
soever to the crown of this realm, or any other the dominions thereunto
belonging: and I do renounce, refuse, and abjure any allegiance or
obedience to him. And I do swear, That I will bear faith and true
allegiance to her Majesty Queen Anne, and her will defend to the ut-
most of my power, against all traiterous conspiracies and attempts
whatsoever, which shall be made against her person, crown, or do-
minity. And I will do my best endeavour to disclose and make known to
her Majesty and her successors all treasons and traiterous conspiracies
which I shall know to be against her or any of them. And I do faith-
fully promise, to the utmost of my power, to support, maintain, and
defend the limitation and succession of the crown, against him the said
James, and all other persons whatsoever, as the same is and stands
limited (by an act intituled, An act declaring the rights and liber-
ties of the subject, and settling the succession of the crown) to her
present Majesty and the heirs of her body, being protestants; as
also as the same by one other act, intituled, An act for the further limi-
tation of the crown, and better securing the rights and liberties
of the subject, is and stands limited after the decease of her Majesty
and for default of issue of her Majesty, to the princess Sophia
electress and dutchess dowager of Hanover, and the heirs of her
body, being protestants. And all these things I do plainly and sincere-
ly acknowledge and swear, according to these express words by me
spoken, and according to the plain and common sense and understanding
of the same words, without any equivocation, mental evasion, or
secret reservation whatsoever. And I do make this recognition, ac-
knowledge, abjuration, renunciation, and promise, heartily, wil-
lingly, and truly, upon the true faith of a christian.

So help me God.

Oath to be
taken in the

II. And that all and every person and persons, who are en-
joined or required to administer, take or subscribe the oath in

said recited act mentioned, shall administer, take and sub- form pre-
 ve the same, according to the form herein set down and pre- scribed.
 ned; any thing in the said recited act to the contrary thereof
 ny wife notwithstanding.

II. And whereas by an act made in the seventh year of the reign of 7 W. 3. c. 27.

said late Majesty King William the Third, intituled, An act for
 better security of his Majesty's royal person and government,
 recited, That for the better preservation of his said Majesty's royal
 son and government, great numbers of his Majesty's good subjects had
 red into and subscribed an association in the words contained in the said
 , which association is by the same act required to be subscribed in such
 nner and by such officers and persons, and under such forfeitures, pe-
 ties, incapacities, and disabilities, for the neglect or refusal to subscribe
 same, as in the said act is mentioned and contained: and whereas since
 death of the late King James, and by the demise of his said late
 Majesty King William the Third, the subscribing the said association
 not necessary to be any longer continued, such part thereof as relates
 the support and defence of the succession to the crown therein men-
 ned, being more fully provided for by the said recited oath: be it

Association
 made void.

acted and declared by the authority aforesaid, That so much
 the said recited act of the seventh year of his said late Maje-
 King William the Third, as relates to the said association
 erein contained, or the requiring any officers or other persons
 the said act mentioned, to subscribe the same, or for the en-
 ting any forfeitures, penalties, incapacities, or disabilities,
 on any person for the neglect or refusal to subscribe the same,
 that requires any court or courts to tender the said association,
 to register the subscription thereof, and all and every the
 use or clauses in the said act, or any other subsequent act or
 its contained, relating to the said association, be and are here-
 declared to be void and of no effect, to all intents and pur-
 poses whatsoever.

IV. Provided always, and be it enacted and declared, That
 uch members of the house of peers, and also such members of
 the house of commons, who have taken and subscribed the oath
 the said first recited act contained, according to the form a-
 reed upon in each house respectively, shall not be obliged again
 to take or subscribe the oath according to the form declared by
 his act, during the continuance of this present parliament, for
 in respect of their being members of either house respective-
 , nor in respect of any commission, office or place of trust,
 e, salary or wages, which such member did hold and enjoy at
 the time of the taking and subscribing the said oath.

Peers and
 members who
 have taken
 the oath not
 obliged to
 take the same
 again, during
 this parlia-
 ment.

V. And be it further enacted by the authority aforesaid, That
 ll and every person or persons, who in her Majesty high court
 f Chancery, or in her court commonly called the King's Bench,
 or the quarter sessions, may or are, or shall be obliged to take
 he oaths mentioned in an act of parliament, made in the first
 year of the reign of the late King William and Queen Mary,
 ntitled, An act for abrogating of the oaths of supremacy and allegi-
 nce, and appointing other oaths, and to make and subscribe the de-
 claration mentioned in an act of parliament made in the five and
 twentieth

1 W. & M. ff.
 1. c. 8.

25 Car. 2. c. 2.

Persons may take the oaths in the Common Pleas or Exchequer courts, &c.

which shall be as effectual as if taken in the courts of Chancery or King's Bench, &c.

Names of persons taking the oaths to be inrolled, &c.

and not to pay above 12d. for taking the same.

In what time and where persons are to take the oath.

twentieth year of the reign of the late King *Charles the Second*, intituled, *An act for preventing dangers which may happen from popish recusants*, may for ever hereafter, at their elections, take the said oaths, and make and subscribe the said declaration, and deliver the certificates of receiving the sacrament of the Lord's Supper, and make proof of the truth thereof, which shall be enquired of and put upon record, according to the said last mentioned act, in her Majesty's court of *Common Pleas*, or in her court of *Exchequer* at *Westminster*, in such manner, and at such times, as by the said acts, or either of them, they are obliged; or may take the said oaths, and make and subscribe the said declaration, and deliver and prove such certificates, to be enquired of, and put upon record in the said court of *Chancery*, or court of *King's Bench*; and such taking the oaths, making and subscribing the said declaration, and delivering of such certificates, proving the truth thereof, inquiring of, and putting upon record, in the said court of *Common Pleas*, and court of *Exchequer*, shall be as effectual to all intents and purposes, as if the same had been taken, made and delivered, inquired of, proved, and put upon record in the said court of *Chancery*, or in the said court of *King's Bench*; and the justices of the said court of *Common Pleas*, and barons of the said court of *Exchequer*, are hereby authorized and required respectively to administer the said oaths, and do all other things as the courts of *Chancery* and *King's Bench* were by the said statutes, or either of them, authorized and required to do, or may do by virtue thereof.

VI. And it is hereby further enacted by the authority aforesaid, That the names of all persons and officers aforesaid, that do or shall take the oaths aforesaid, in the court of *Common Pleas* or court of *Exchequer*, shall be inrolled in the said courts where the same shall be taken respectively, with the day and time of their taking the same, in rolls made and kept only for that intent and purpose, and for no other; the which rolls, as for the court of *Common Pleas*, shall be publicly hung up in the office of the chief prothonotary of the said court; and the roll for the *Exchequer*, in the office of the Queen's remembrancer of the said court, and there remain during the whole term, every term, for every one to resort to, and to look upon, without fee or reward; and likewise none of the persons aforesaid shall give or pay any fee or reward to any officer or officers belonging to either of the said courts of *Common Pleas* or *Exchequer*, above the sum of twelve pence, for his or their entry of his or their taking of the said oaths.

VII. And be it further enacted by the authority aforesaid, That all and every the person and persons, who by this act, or the said former act made this present parliament, are to take and subscribe the oath therein or herein appointed to be taken, within three months after he or they shall be admitted into or enter upon any preferments, benefices, offices, or places, or come into any capacity, or take upon him or them any such practice, employment, or business, in the said former act mentioned, may

in the next term, or at the next quarter sessions of the county, city, or place where he or they shall reside, after he or they shall be admitted into, or enter upon any such preferment, benefice, office, or place, or come into any such capacity, or take upon him or them such practice, employment, or business as aforesaid (though it be after the expiration of the said three months) take and subscribe the said oath in any of the said four courts of *Westminster*, or quarter sessions, which shall be as good and effectual to all intents and purposes, as if taken and subscribed within the said three months: but nevertheless, every such person that shall neglect to take and subscribe the said oath in the next term, or next quarter sessions as aforesaid, shall incur and be liable unto all the penalties, forfeitures, and disabilities, for refusing or neglecting to take and subscribe the said oath, at such time as in the said former act is mentioned, and likewise unto all the other penalties for executing such office or employment, if he shall execute the same after such neglect or refusal to take and subscribe the said oath, as is therein mentioned.

Penalties on neglect or refusal.

CAP. XXIII.

An act for raising the militia for the year one thousand seven hundred and two, notwithstanding the month's pay formerly advanced be not repaid. EXP.

CAP. XXIV.

An act for the continuing the present sheriffs in England and Wales, until the first day of Hilary term next, unless her Majesty shall think fit to determine them sooner. EXP.

CAP. XXV.

An act for the relief of poor prisoners for debt.

EXP.

CAP. XXVI.

An act for the relief of the masters of boys and other vessels carrying corn and other inland provisions within the port of London.

WHEREAS great quantities of English corn, grain, meal, and other goods, which may lawfully be exported, and for which no duties are payable to her Majesty upon exportation thereof, are daily brought in boys and other vessels to the city of London, from the counties of Kent and Essex: and whereas the masters of such boys and vessels, employed in the carriage of such goods, have of late been put to unreasonable and unnecessary charges and trouble, by certain officers of her Majesty's customs, who for their own profit and avarice have required and exacted great fees for transires and cocquets, to the great discouragement of the country farmers, and oppression of the said boyemen: for remedy whereof be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the No cocquet, &c. to be required of masters of boys, &c.

That from and after the tenth day of May in the year of our Lord one thousand seven hundred and two, no cocquet or cocquets, &c.

cocquets, or bonds thereon, shall be required by any officer of the customs, or others, of or from any such master or owner of such hoys or vessels, carrying or conveying such goods as aforesaid, to or from any place within the port of *London*; that is to say, from *London Bridge* unto the supposed right line from the promontory or point called the *North Foreland*, in the county of *Kent*, unto the promontory or point called the *Naze* including so much of the ports of *Sandwich* and *Ipswich*, and the members thereof, as are within the said limits, for or in respect of any such corn, grain, meal, and such other goods as are before described, the same shall or may be conveyed as aforesaid, by transires or let-paſs only, for which transire there shall be paid to the respective officers, who by law are intituled to fees, bonds, and cocquets, and certificates, and entries thereupon the sum of three shillings and five pence, and no more; which sum shall be respectively distributed amongst them, in such manner and proportion, as where bonds and cocquets are taken for goods carried coastwise, ought and used to be paid; as custom, law or usage to the contrary notwithstanding.

but may be
conveyed by
transires, &c.

Fee for transires.

Fee for corn,
&c. brought
to London.

II. *And whereas it often happens, that small quantities and parcels of corn and hops are brought as aforesaid to the city of London, and the fees exacted by the officers aforesaid have exceeded the charge of freight thereof;* be it therefore enacted by the authority aforesaid, That from and after the said tenth day of *May*, the sum of one shilling and eight pence halfpenny, and no more, shall be respectively distributed to and amongst the officers aforesaid, where the quantity of such corn or grain as aforesaid exceeds not five quarters, or when the quantity of hops exceeds not fifty bags in any one such hoy or vessel as aforesaid.

Certificates on
bonds transmitted into the
Exchequer, to
be indorſed on
the back of the
bond, &c.
Penalty.

III. *And whereas upon the carrying of goods from port to port bonds are given for returning certificates of the landing or discharge of the goods in the ports to which they are carried, and when such bonds are transmitted into the Exchequer, the certificates relating thereto have been usually annexed to such bonds, but by fraud or carelessness the certificates are sometimes disjoined from the respective bonds whereby persons who have duly complied with the conditions thereof have been put to unjust vexation and charge:* for prevention whereof for the future it is hereby enacted, That the proper officer for transmitting the said bonds into the Exchequer shall truly and faithfully endorse, on the backside of every such bond, the substance of the certificate, if there be any relating thereto, and sign such indorsement, to serve as an intimation to the court of *Exchequer*, concerning the performance or non-performance of the conditions of such bonds respectively, under the penalty of forfeiting treble damages, besides costs of suit, to be recovered by the party grieved against the officer who shall offend therein by action of debt or the case, or by bill, suit, or information in any court of record, wherein no essoin, protection, wager of law, or more than one imparlance shall be granted or allowed.

IV. Provided, and it is hereby enacted, That this act, or any thing therein contained, shall not extend to the lessening or taking away the tolls or duties due and payable to the mayor, and commonalty, and citizens of the city of *London*, or to the mayor of the said city for the time being; any thing herein to the contrary in any wise notwithstanding.

V. Always, The usual and known right, liberty, and privilege to the ports of *Sandwich* and *Ipſwich*, and either of them, and the known members thereof, and of the customers, comptrollers, searchers, and their deputies, of and within the said ports of *Sandwich* and *Ipſwich*, and the several creeks, harbours, and havens to them, or either of them, respectively belonging within the counties of *Kent* and *Essex*, in all matters and things whatsoever, other than in such matters and things as are specially provided for or directed by this present act.

CAP. XXVII.

An act for the importation of fine Italian thrown silk.

Persons may import, &c. fine thrown Italian silk, during the war. No silk to be imported coarser than third Bolognia, &c. All silk imported shall be brought to the custom house, &c. Importers on entry to make oath, the said silk was bought in Italy, &c. By 7 Annæ, c. 8. & 10. this oath is to be made before the collector, &c.

EXP.

2 W. & M. ff.

1. c. 9.

12 Car. 2. c. 18.

CAP. XXVIII.

An act for importing into England thrown silk of the growth of Sicily, from the port of Leghorn in Italy.

EXP.

2 W. & M. ff.

Thrown silk of the growth of Sicily may be imported from Leghorn for two years.

1. c. 9.

CAP. XXIX.

An act for the continuing the imprisonment of others, for the horrid conspiracy to assassinate the person of his late sacred Majesty King William the Third.

EXP.

Counter, and 10 W. 3. c. 13.

CAP. XXX.

An act to oblige the Jews to maintain and provide for their protestant children.

TO the end that sufficient maintenance be provided and allowed for the children of jewish parents, who shall turn protestants; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and two, if any jewish parent, in order to the compelling of his or her protestant child to change his or her religion, shall refuse to allow such child a fitting maintenance, suitable to the degree and ability of such parent, and to the age and education of such child, then (upon complaint thereof made to the lord high chancellor of *England*, or lord keeper of the great seal, or commissioners for the great seal for the time being) it shall and may be lawful for the said lord chancellor, lord keeper, or commissioners, to make such order therein, for the

Jewish parents to allow their protestant children fitting maintenance.

maintenance of such protestant child, as he or they shall think fit.

CAP. XXXI.

An act for making more effectual the provision out of the forfeited estates in Ireland, for the building of churches and augmenting of small vicarages in Ireland.

11 & 12 W. 3.
c. 2.

WHEREAS by an act lately made, intituled, *An act* granting an aid to his Majesty, by sale of the forfeited and other estates and interests in Ireland, and by a land tax in England, for the several purposes therein mentioned, it is enacted, That the trustees therein named, or any seven or more of them should and might, and they are thereby required, after such advice and in such a manner as is therein mentioned, to convey all and sundry the rectories impropriate, with the tithes, oblations, advowsons, glebes, advowsons of vicarages, and other things thereunto severally and respectively belonging or appertaining, forfeited by reason of the rebellion therein mentioned, and therein before vested in the said trustees, to such person or persons, and their heirs, as the bishop of each respective diocese, wherein such rectories impropriate respectively, are, shall nominate, in trust for the rebuilding or repairing of churches, and for the perpetual augmentation of small rectories or vicarages in the kingdom of Ireland, in such manner as is therein mentioned: and whereas several such rectories impropriate, tithes, oblations, advowsons, glebes, advowsons of vicarages, and other things thereunto severally and respectively belonging or appertaining, have been jointly charged or incumbered, or liable to the payment of some debts, charges, or incumbrances, together with other lands, tenements, hereditaments, by the said act vested in the said trustees: whereas for the making the before mentioned trust more effectual and beneficial for the pious ends and purposes aforesaid, may please your most excellent Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That where any such rectories impropriate, tithes, advowsons, or other things, so vested in the said trustees and directed to be conveyed in trust, as aforesaid, are charged with, or liable unto any debts, charges, or incumbrances jointly with any other lands, tenements, or hereditaments, by the said act vested in the said trustees, such other lands, tenements, or hereditaments, in the first place be liable to, and shall answer and satisfy such debts, charges, and incumbrances; and the said trustees, or any seven of them, are hereby authorized and required, to make sale of such other lands, tenements, or hereditaments, or of a competent part thereof, for or towards paying off, clearing, and discharging such debts, charges, and incumbrances: and as soon as conveniently may be, from the proceeds after such sale, and the clearing and discharging such debts, charges, and incumbrances, such rectories impropriate, tithes, advowsons, glebes, and other things, so vested in the said trustees, and directed

Where any rectories impropriate, forfeited by the late rebellion, are charged with incumbrances jointly with other lands, &c. such lands first liable to answer the debts, &c.

conveyed in trust, as aforesaid, as are, together with such lands, tenements, or hereditaments, jointly charged or imbrued, shall be conveyed, and the said trustees, or any one of them, are hereby authorized and required to convey the same, to such person and persons, and in such manner, and for such uses, intents, and purposes, as in the said recited act is directed and appointed, freed and discharged of and from all debts, charges, and incumbrances, be the same by matter of record, mortgage, or otherwise.

C A P. XXXII.

act for the relief of the protestant purchasers of the forfeited estates in Ireland.

VHEREAS by one act made in a parliament holden at Westminster, in the eleventh year of the reign of our late sovereign lord King William the Third, intituled, An act for granting to his Majesty an aid by sale of the forfeited and other estates and interests in Ireland; and by a land tax in England, for the several purposes therein mentioned, it is provided, That the sum of one and twenty thousand pounds, therein mentioned, should be paid out amongst the several persons, who were purchasers of any estate of inheritance, of any of the forfeited lands or estates in Ireland; under grants thereof, who should prove the actual payment of their purchase-money, before the trustees mentioned in the said act for sale of the forfeited estates in Ireland, on or before the tenth day of August, one thousand seven hundred, to be divided amongst such purchasers, in proportion to the sums by them respectively paid for their several purchases: and whereas in pursuance of the said act, several persons did, before the said trustees, prove the actual payment of the sum of fifty nine thousand five hundred and two pounds, for the purchases of the several estates of inheritances to the several grantees thereof, which said sum of one and twenty thousand pounds, part of the said purchase-money, was by the said act charged on the lands so purchased (respectively) according to the directions of the said act: and whereas a considerable part, if any, of the said sum of one and twenty thousand pounds, hath been as yet paid to the said purchasers: and where it may very much conduce to the strengthening and preservation of the protestant interest in Ireland, to continue the said purchasers in the possession of the respective lands by them respectively purchased, and that some further relief may be given the said purchasers; may it ease your Majesty (at the most humble suit of the said purchasers) that it may be enacted, and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every of the said persons, who purchased estates to them and their heirs for ever, under the grantees, of any forfeited lands in Ireland, (and to whom the said sum of one and twenty thousand pounds was adjudged by the said trustees, pursuant to the said act, to be allowed) and their respective heirs and assigns, shall be permitted to have, hold and enjoy the several

11 & 12 W. 3.
c. 2.

Persons who purchased estates under the grantees, &c. shall enjoy the same.

Paying 13
years purchase
for an estate
of inheritance,
and 6 years
and an half for
an estate for
life, &c.

according to
the rents, An.
1701.

Quit-rents, &c.
deducted.

The 1000l. to
be allowed the
purchasers in
part of pay-
ment, &c.

And any sums
of money al-
lowed on
claims, &c.

veral manors, castles, towns, lands, tenements and benefices whatsoever respectively, conveyed to them by the said several and respective grantees thereof, mentioned in the several deeds of purchase by them respectively produced and proved before the said trustees, before the said tenth day of *August*, one thousand seven hundred, and allowed by the said trustees, according to the true intent and meaning of their several and respective conveyances or deeds of purchase thereof; the said purchasers, their heirs and assigns, paying unto the said trustees, or seven or more of them, in the manner and for the uses expressed in the said first recited act, thirteen years purchase for the said premises, to them respectively to be conveyed for an absolute estate of inheritance in fee-simple, clear of incumbrances, where the estate is vested in the trustees; and according to the valuation of the said premises, six years and an half purchase, for an estate for life in possession, or for an estate of inheritance in fee-simple, in reversion or remainder, expectant upon an estate for life in possession, and in proportion for other interests, according to common estimation of purchase, where the said trustees are only intitled to the said premises, or lesser interests in the said premises, whether for life or otherwise, in possession, reversion or remainder, according to the rents at which the said lands and premises were let, in the year of our Lord one thousand seven hundred and one (the year of the said purchase), the said quit-rents, crown-rents and composition-rents, payable to the said Majesty, her heirs and successors, being first deducted.)

II. And be it further enacted by the authority aforesaid, That the sum of twenty one thousand pounds, by the said former act appointed to be paid in part of the said fifty nine thousand five hundred and two pounds, so proved by the said purchasers, their heirs or assigns, to have been actually paid for the said purchased premises to the several grantees thereof and allowed by the said trustees to have been paid, as aforesaid, shall, if not before the said day of the said purchase, be allowed to the several and respective purchasers, their heirs or assigns, in part of payment of the said money, after the rate of the said thirteen years, or other years purchase appointed to be paid to the said trustees by this act.

III. And whereas several estates, charges and incumbrances have been, or upon claims yet to be made before the said trustees, may be adjudged and allowed by them, to be charged upon, or out of the said purchased premises, and wherewith the same are or will be chargeable and affected: be it further enacted by the authority aforesaid, That there shall also be deducted and allowed by the said trustees, or any seven or more of them, to the said respective purchasers, their heirs and assigns, out of the said thirteen years, or other years purchase, all and every sum and sums of money, which is or shall be allowed by the said trustees, to any person or persons whatsoever, on their claims, and an allowance or abatement of so much out of the said purchase-money, as shall, by the judgment of the said trustees, or any seven or more of them, according to a reasonable valuation, be made for estates and interests by them allowed.

ed, charging or affecting any of the said purchased lands respectively; and the said sum and sums of money, and valuations so allowed, or to be allowed by the said trustees, or any seven or more of them, shall be and remain a charge and incumbrance on the said respective purchased estates, severally and respectively, according to the allowance, valuation, judgment or decree of the said trustees.

Such sums to be an incumbrance thereon.

IV. And it is further enacted by the authority aforesaid, That all and every the person and persons aforesaid, purchasers of estates of inheritance of any parts of the said forfeited lands or estates in *Ireland*, under the grantees thereof, and who have proved the actual payment of their purchase money before the said trustees, as is aforesaid, and who are hereby allowed to be purchasers, after the rate of thirteen years, or other years purchase, and the inheritance of whose estates shall remain in the trustees of the forfeited estates, notwithstanding any act or acts passed in this present session of parliament, shall have a discount and abatement out of the said thirteen years, or other years purchase, over and above a proportionable share of the said twenty one thousand pounds, if not before paid off, one third part more (the whole in three equal parts to be divided) of their several and respective original monies, proved by them to have been actually paid for their several and respective purchases: and that upon their payment of the surplus of the said thirteen years, or other years purchase, over and above the said proportionable share of the said twenty one thousand pounds, and over and above the said third part of their original purchase money, they shall have the same benefits and advantages by virtue of this act, as if the said thirteen years, or other years purchase-money had been fully paid by them, and that the surplus, over and above the respective proportions of the said twenty one thousand pounds, and the said other third part further allowed by this act, which shall be payable for such estates, after the rate of thirteen years, or other years purchase, as aforesaid (deductions being made according to the provisions of this act) shall be paid by the said several and respective purchasers, their heirs or assigns, to the said trustees, or any seven or more of them, for the uses in the said first recited act mentioned, on or before the twenty fifth day of *March*, one thousand seven hundred and three: and that upon payment thereof the said trustees, or any seven or more of them, shall at the request, costs and charges of the said respective purchasers, their heirs and assigns, convey unto them respectively, and to their respective heirs, executors and assigns, the premises so by them respectively purchased, and all their estate and interest therein, to be held and enjoyed by the respective purchasers, their heirs and assigns, for and according to such estates and interests, as by the said first recited act, are vested in the said trustees, and that after such payment, and until such conveyance, the said purchasers, their heirs and assigns, shall be intitled to the possession, rents and profits of the lands and premises so to be purchased.

Purchasers of estates of inheritance, to have a discount, &c.

On payment of the surplus, &c.

Trustees may convey the premises, &c.

In default of
paying re-
mainder of
purchase mo-
ney, trustees,
may sell the
lands, &c.

V. Provided always, That in case any of the said purchasers, their heirs or assigns, shall make default in paying the remainder of the said respective purchase-monies by the time aforesaid, it shall and may be lawful, to and for the said trustees, or any seven or more of them, and they are hereby required to sell the respective lands and premises so purchased, by any such person or persons, who shall so neglect to pay in the remainder of the said purchase-monies, as aforesaid, to pay to such person or persons, their executors, administrators or assigns, the respective proportions of the said twenty one thousand pounds, and the said other third part further allowed by this act.

In what man-
ner purchasers
shall enjoy
their lands,
&c.

VI. And be it further enacted, That after payment of the said respective purchase monies as this act directs, the said respective purchasers, and their heirs and assigns respectively, shall have, hold and enjoy the several manors, lands, tenements, and hereditaments so by them respectively purchased, in such manner and form, and with the like benefits and advantages, as if the said respective purchasers had actually purchased the same from the said trustees, under and by virtue of the said act, made in the eleventh year of his said late Majesty's reign.

Person edu-
cated in the
popish reli-
gion, and not
taking the
oaths, &c.

30 Car. 2. stat.
3.

and continu-
ing protestant
afterwards,
incapable of
inheriting any
lands, &c.

but they shall
go to the next
of kin, who is a
protestant, &c.

VII. And to the end that none of the said purchased premises may ever descend or come to any papist or papists, or persons professing the popish religion, but that the same shall descend and come, and remain to be held and enjoyed by protestants, for the strengthening and supporting of the *English* interest, and the protestant religion in *Ireland*; be it enacted by the authority aforesaid, That if any person educated in the popish religion, or professing the same, and being under the age of eighteen years, shall not, within six months after he or she shall attain the age aforesaid, take the oaths of allegiance and supremacy, and also subscribe the declaration set down and expressed in an act of parliament made in the thirtieth year of the reign of the late King *Charles the Second*, intituled, *An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament*, to be by him or her made, repeated, and subscribed in the courts of *Chancery* or *King's Bench*, in *England* or *Ireland*, or quarter sessions in any county in *England* or *Ireland*, where such person shall reside (which said oaths and declaration the said courts and quarter sessions are severally hereby impowered to administer) and continue to be a protestant after the taking the said oaths and declaration aforesaid, every such person shall, in respect of him or herself only, and not to or in respect of his or her heirs or posterity, be disabled, and is hereby made incapable to inherit or take by descent, devise or limitation, in possession, reversion, or remainder, any of the lands, tenements, hereditaments, or premises aforesaid, or any rent or profit issuing out of the same, or any part thereof; and that during the life of such person, or until he or she shall take the said oaths, and make, repeat, and subscribe the said declaration in manner aforesaid, the next of his or her kindred, who shall be a protestant, shall have and enjoy the said pre-
misses,

nisses, without being accountable for the profits by him or her received, during such enjoyment as aforesaid.

VIII. And it is further enacted, That every such papist, or person making profession of the popish religion, shall be disabled, and is hereby made incapable to purchase, either in his or her own name, or in the name of any other person or persons, to his or her own use, or in trust for him or her, any of the lands, tenements, or hereditaments, or premises aforesaid, or any rents, profits, terms, or interests in or out of the same; and that all and singular estates, terms, and any other interests and profits whatsoever, in or out of the premises, and all conveyances and declarations of trust concerning the same, which shall be made, suffered, or done, to or for the use, benefit, and behoof of any such person, shall be utterly void and of none effect, to all intents, purposes, and constructions whatsoever.

Papist, &c. made incapable to purchase any the lands aforesaid.

IX. And it is hereby further enacted, That all leases for life or lives, or for any term of years or otherwise, which shall at any time hereafter be made of any of the lands, tenements, or hereditaments hereby directed to be conveyed by the said trustees, as is aforesaid, shall be made to such persons only as are of the protestant religion, and to none other. And if any lease for life or lives, or for years or otherwise, shall at any time hereafter be made of any of the lands, tenements or hereditaments aforesaid, to or in trust for any papist; or if any lease of any such lands, tenements or hereditaments shall be made to a protestant, and the same shall afterwards be assigned to or in trust for any papist; every such lease so made to or in trust for any papist, and likewise every such assignment, shall be void; and the same is and are hereby adjudged and declared to be *ipso facto* null and void to all intents and purposes whatsoever: and in such case, as well the person making any such lease or assignment, as the person to whom, or for whose use or benefit the same shall be made, (in case such person shall accept such lease or assignment) or shall occupy any the lands or tenements therein contained, shall forfeit treble the full yearly value of all the lands so let, assigned, or occupied; one moiety thereof to her Majesty, her heirs, and successors, and the other moiety to such person (being a protestant) who shall sue for the same in any of her Majesty's courts of record at *Dublin*, by any bill, plaint, or information, wherein no essoin, protection, wager of law, or compurance shall be allowed.

Leases, &c. to be made only to protestants, &c.

Penalty on person accepting lease in trust for papist, &c.

X. Provided always, That nothing in this act contained shall extend to make void any lease, that is or shall be made of any cottage or cabin, under the yearly value of thirty shillings *per annum*, to any day labourer whatsoever.

Act not to make void any cottage, lease, &c.

XI. Provided also, That nothing in this act contained shall be construed to extend to any rectories impropriate, or vicarages, tithes, oblations, obventions, glebes, or other things, to the same rectories or vicarages severally and respectively belonging or appertaining, which were, by a clause in the aforesaid act, vested in the trustees in the said act named, to the uses, intents, and

nor to extend to rectories impropriate, &c.

Trustees to
deduct for
such rectories,
&c.

and be dis-
charged from
rents, recei-
ved, &c.

before pay-
ment of the
remainder of
the 13 years
purchase, &c.

Saving to the
Queen all
rents, &c.

purposes therein mentioned; but that all such rectories and carages, tithes, oblations, obventions, glebes, and other things thereunto belonging, with their appurtenances, shall still continue to be vested in the said trustees, to such uses as are in and by the said act directed and appointed; any thing in this act to the contrary in any wise notwithstanding. But in such case, the said trustees are to make a deduction and allowance, after the rate of thirteen years purchase, out of the purchase money, to be paid unto them for such rectories or vicarages, or other matters aforesaid, to all and every person or persons who purchased the same, their heirs, or assigns.

XII. Provided also, and be it further enacted, That the trustees in the said act named for sale of the forfeited estates in *Ireland*, shall be and are hereby acquitted and discharged of and from all rents or profits, or other sums of money, by them, or any for or under them, received or to be received, for or out of any the lands, tenements, and premises aforesaid, at any time before the payment of the remainder of the said thirteen years purchase, by the said purchasers respectively, and of and from all actions, suits, and demands for or in respect thereof.

XIII. Saving nevertheless to her Majesty, her heirs and successors, all rents issuing and payable out of or for the said premises, and also saving to all bodies politic and corporate, their heirs, and successors, and to all and every other person or persons, their heirs, executors, and administrators (other than the said trustees in the said act named) all such estate, right, title, interest, claim, and demand, whatsoever, of, into, or out of the said premises, as they or any of them might have had in case this act had not been made; any thing herein contained to the contrary thereof in any wise notwithstanding.

XIV. And for the better preservation and encouragement of the protestant interest in the said kingdom of *Ireland*, and to intend that none of the honours, manors, baronies, castles, manors, ages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, privileges, appurtenances thereunto belonging, or in any wise appertaining rights of entry, rights of action, titles, conditions, uses, trusts, powers, or authorities, leases for life, lives, or years, pension annuities, rent charges, or hereditaments, whether freehold copyhold, or of what nature or kind soever they be, within the said realm of *Ireland*, nor any of the estates or interests whatsoever in the said kingdom of *Ireland*, which by an act made in the eleventh year of the reign of his late Majesty King William the Third, intituled, *An act for granting an aid to his Majesty for sale of the forfeited and other estates and interests in Ireland, and a land tax in England, for the several purposes therein mentioned* were vested and settled in the persons in that act named (trustees nominated and appointed for putting in execution the powers and authorities in the said act enacted, relating to the said forfeited and other estates and interests in *Ireland*) and their heirs, executors, administrators, and assigns respectively, or who

17 W. 3. c. 2.

ne said act, or by any subsequent act or acts, are ordered or
 sted to be disposed of or sold by them, or any of them, for
 purposes in the said act or acts mentioned, may ever here-
 descend or come by limitation, purchase, or otherwise, to
 papist or papists, or person or persons professing the popish
 gion; but that the same forthwith, from and after the dispo-
 n and sale thereof, may be possessed and enjoyed, and from
 aceforth for ever hereafter descend, come, and remain, to be
 d and enjoyed by protestants, for the strengthening and sup-
 porting the *English* interest, and the protestant religion in *Ire-*
l; be it enacted by the authority aforesaid, That all dis-
 titions and sales of all and every the said estates and interests,
 ich shall be made by the said trustees, or any of them, shall
 made unto protestants only; and that every person being a
 pist, or professing the popish religion, shall be disabled, and
 hereby made incapable to purchase, either in his or her own
 ne, or in the name of any other person or persons, to his
 her use, or in trust for him or her, any of the honours,
 mours, lands, tenements, royalties, franchises, and other he-
 litaments, of what nature or kind soever, vested in the said
 istees, in order to the selling the same, or any rents, profits,
 ms for years, or other interests whatsoever, in or out of the
 ne; and that all and singular estates, terms for years, in-
 ests, or profits whatsoever, in or out of the said premises,
 d all conveyances and declarations of trust concerning the
 ne, which shall be made, suffered, or done to or for the use,
 nest or behoof of any papist, or person making profession of
 e popish religion, shall be utterly void and of no effect, to all
 tentes, purposes and constructions whatsoever.

XV. And for preventing the said premises, and every part
 ereof, at all times hereafter, from coming into the hands of
 apists, or persons professing the popish religion; be it enacted
 y the authority aforesaid, That no papist or person professing
 e popish religion, during the time of his continuing a papist, or
 rofessing the popish religion, shall be a person capable to inherit,
 ke, or make title unto, by descent, purchase, limitation, devise,
 r other conveyance whatsoever, in possession, reversion or re-
 mainder, or to have, hold or enjoy any of the said honours,
 namors, hereditaments and premises, or any trust or interest
 herein, or any rent or profit issuing out of the same, or out
 of any part thereof; and that if any person professing the popish
 eligion, or educated in the same, and not having solemnly
 ad publicly renounced it, being of full age, shall not, with-
 n the space of six months after the accruing of his or her title,
 r being under the age of eighteen years, shall not, within six
 months after he or she shall attain the age aforesaid, take the
 oaths of allegiance and supremacy, and also subscribe the decla-
 ration set down and expressed in an act of parliament made in the
 thirtieth year of the reign of the late King *Charles* the Second,
 intituled, *An act for the more effectual preserving the King's person*
and government, by disabling papists from sitting in either house of
parliament, to be by him or her made, repeated, and subscribed
 in

All sales of
 estates, &c.
 made by tru-
 stees shall be
 to protestants
 only.
 Papists made
 incapable to
 purchase, &c.

No papist ca-
 pable to inhe-
 rit or make ti-
 tle by descent,
 to any the said
 manors, lands,
 &c.

Papist not tak-
 ing the oaths,
 &c.

30 Car. 2. stat.
 2.

disabled from
inheriting ;

and the next
of kin, being
a protestant,
shall inherit,
&c.

Leases, &c. to
be made only
to protestants.

Such lease
made to pa-
pists, or in
trust for them,
void.

Penalty.

Act not to
void cottage
lease, &c.

in the courts of *Chancery* or *King's Bench* in *England* or *Ireland*, or quarter sessions in any county of *England* or *Ireland*, who such person shall reside (which said oath and declaration the courts and quarter sessions are hereby severally impowered to administer) and continue to be a protestant after the taking said oath and declaration aforesaid, every such person shall, in respect of him or herself only, and not to or in respect of or her heirs or posterity, be disabled, and is hereby made capable to inherit or take by descent, devise or limitation, purchase, in possession, reversion or remainder, any of the honours, manors, lands, tenements, hereditaments or premises aforesaid, or any trust or interest in rent or profit issuing out of the same, or out of any part thereof ; and that during the life of such person, or until he or she shall take the said oaths, and make, repeat and subscribe the said declaration in manner aforesaid, the next of his or her kindred, who shall be a protestant, shall have and enjoy the said premises, with being accountable for the profits by him or her received during such enjoyment as aforesaid.

XVI. And it is hereby further enacted, That all leases for lives, or for any term of years or otherwise, which shall at any time hereafter be made of any the honours, manors, lands, tenements, hereditaments, and premises above mentioned, shall be made to such persons only as are of the protestant religion, and to none other ; and if any lease for life or lives, or for years or otherwise, shall at any time after such sale be made of any the honours, manors, lands, tenements, hereditaments or premises aforesaid, unto or in trust for any papist, or person professing the popish religion ; or if any lease of any such honours, manors, lands, tenements, hereditaments or premises, shall be made to a protestant, and the same shall afterwards be assigned unto, or in trust for any papist, or person professing the popish religion ; every such lease so made unto, or in trust for any papist or person, and likewise every such assignment shall be void, and the same is and are hereby adjudged and declared to be *ipso facto*, null and void to all intents and purposes whatsoever ; and in such case, as well the person making any such lease or assignment, as the person to whom or for whose use or benefit the same shall be made (in case such person shall accept such lease or assignment, or shall occupy any the lands or tenements therein contained) shall forfeit treble the full yearly value, of all the lands so let, assigned or occupied, one moiety thereof to her Majesty, her heirs and successors, and the other moiety to such person (being a protestant) who shall sue for the same in any of her Majesty's courts of record at *Dublin*, by a bill, plaint, or information, wherein no essoin, protection, or wager of law, or imparlance shall be allowed.

XVII. Provided always, that nothing in the last foregoing clause contained shall extend to make void any lease, that is to be made, of any cottage or cabin, under the yearly value

ue of thirty shillings *per annum*; to any day labourer whatsoever.

XVIII. Provided, That nothing herein contained shall extend, or be construed to extend, to make void, impeach or prejudice any lease of any of the said forfeited estates, or other interests, made or to be made by the said trustees, for any term not exceeding one year.

XIX. And whereas his said late Majesty King William, in consideration of a fine of six hundred and eighty five pounds, sixteen shillings, and four pence, stated by the commissioners of accounts in Ireland, to be due from his said Majesty to major Walter Delamar or arrears of pay for his services in the kingdom of Ireland, did in the month of October, one thousand six hundred ninety six, make a lease to the said major Walter Delamar, of some forfeited estates in the said kingdom, for the term of twenty one years, the said estates being subject to great incumbrances, and a jointure for the life of

Plunkett, the relict of Ignatius Plunkett: and whereas William Palmer, esquire did purchase from the said major Delamar part of the said estates called Dirpatrick, in the barony of Deece, and county of Meath, for the sum of five hundred pounds, the said sum being by him paid to the said Walter Delamar, for the remainder of the said term of twenty one years, subject to the said jointure, and hath since also laid out six hundred pounds, and upwards, in buying in the said jointure estate in the said lands, in draining a bog, and building and planting upon the said estate, to the great improvement thereof: and whereas notwithstanding there are but about fourteen years to come in the said lease, the same is made void by the late act of parliament for re-assuming the forfeitures in that kingdom, and he said William Palmer hath (unless relieved by parliament) lost the money so paid and laid out by him, and of which the publick hath had and will have the benefit; be it therefore enacted by the authority aforesaid, That the said trustees shall, within twelve months, pay to the said William Palmer, his executors, administrators and assigns, the sum of one thousand one hundred pounds; and in default of such payment as aforesaid, it shall and may be lawful to and for the said William Palmer, his executors, administrators and assigns, to have, hold and enjoy the said premises, called Dirpatrick aforesaid, with the appurtenances, for and during the residue of the said term of twenty one years, according to the said lease and assignment thereof to him made; and in case of such default, the said lease (as to the premises called Dirpatrick) and the said assignment thereof, shall be and is hereby confirmed and made effectual; the said act, or any thing therein contained to the contrary in any wise notwithstanding; subject nevertheless to all and every the clauses, matters, and things in this act contained, directed to be done and performed by the said other protestant purchasers.

XX. And be it further enacted by the authority aforesaid, That in all acts which have passed this session of parliament, relating to the forfeited estates or interests in Ireland, which do enjoin the taking the oath or oaths of allegiance by any person

nor trustees
lease for one
year.

Trustees to
pay William
Palmer 1,100l.
and in default,
&c. he to hold
Dirpatrick,
&c.

Persons en-
joined to take
the oath of su-
premacy, &c.

or

Penalties.

or persons whatsoever, and wherein the obliging the taking the oath of supremacy is omitted; all and every the person and persons, who are thereby enjoined to take the oath of allegiance shall be and are hereby obliged and enjoined at the same time to take the oath of supremacy also, under the like penalties, forfeitures and disabilities, as are in the said respective acts mentioned and contained, for and in default of taking the oath of oaths of allegiance, and subscribing the declaration therein mentioned.

Not above two acres of land to be let with any cottage to a day labourer, &c.

XXI. And it is hereby further enacted and declared, That there shall not be let with any cabin or cottage to any day labourer (as by any acts of this session of parliament relating to the forfeited estates in *Ireland* is permitted) above the quantity of two acres of land, and not above one cottage or cabin with such land to any one day labourer; and that in case any other lease or leases shall be so made, or more land be let than as aforesaid, the lease of such cottage or cabin, as well as of the said land, shall be and is hereby declared to be *ipso facto* null and void, to all intents and purposes whatsoever; and as well the person making, as the person taking such lease, or occupying such cottage or cabin, or lands, shall forfeit treble the full yearly value of the said cottage, cabin or land, to be sued for, recovered and distributed, as any other penalties by the said acts are to be recovered and distributed.

Penalty.

Publick act.

XXII. And be it further enacted, That this act shall be taken and allowed in all courts as a publick act, and all judges and justices are hereby required to take notice thereof, without special pleading the same.

Anno primo ANNÆ Reginae. Stat. 2.

AT the parliament begun at Westminster the twentieth day of August, Anno Dom. 1702. in the first year of the reign of our sovereign lady Anne, by the grace of God, of England, Scotland, France, and Ireland, Queen, defender of the faith, &c. and from thence continued by several prorogations to the twentieth day of October, 1702. (and then and there held, and by divers adjournments continued till the twenty seventh day of February following,*) *being the first session of this present parliament.*

* Added from the enrolment.

CAP. I.

32 & 13 W. 3.
c. 10.
43. in the
pound.

An act for granting to her Majesty a land tax for carrying on the war against France and Spain.

f. 76. Clause for making good deficiencies of several acts. Arrears upon 9 W. 3. and on 10 W. 3. and 11 W. 3. how to be charged. Commissioners to determine the proportions to be paid by each hundred, &c. and

and cause the same to be re-assessed, and paid. Then *Supers* to be discharged. Like allowances to receivers, &c. Clause not to alter the charge made upon any parts, hundreds, &c. Certificate of the arrears to be transmitted to the remembrancer's office. If arrears be not paid, process to go against inhabitants, &c. Clause of loan at 5 l. per cent. Money lent not to be taxed. Tallies of loan and orders for repayment, to be registered and paid in course. No fees for registering, &c. No undue preference where tallies, &c. bear date the same day, nor if subsequent orders be paid, &c. Orders for payment assignable. EXP.

CAP. II.

An act for enabling her Majesty to settle a revenue for supporting the dignity of his royal highness Prince George hereditary of Denmark, in case he shall survive her Majesty. EXP. 1 Ann. stat. 1. c. 7.

CAP. III.

An act for granting a supply to her Majesty, by several duties imposed upon malt, mum, cyder, and perry. EXP.

X. And for the avoiding all disputes touching the returns made or to be made by the gaugers of any malt as aforesaid, be it enacted and declared by the authority aforesaid, That by the bushel, in this act mentioned, is meant and intended a bushel according to the standard remaining in the custody of the chamberlains of her Majesty's Exchequer, commonly called or known by the name of the *Winchester* bushel; and that the quantity of barley or other corn or grain taken by the gauge, according to such bushel, in any cistern, uting-fat, utensil or other vessel, wherein such barley, or other corn or grain shall be found wetting or steeping, or which shall be found to have been wetted or steeped for the making of malt, shall be charged and returned by the gauger as so many bushels of malt; and that every round bushel with a plain and even bottom, being made eighteen inches and an half wide throughout, and eight inches deep, shall be esteemed a legal *Winchester* bushel according to the said standard.

CAP. IV.

An act for continuing the duties upon coals, culm, and cynders. Duties 9 & 10 W. 3. on coals, culm, &c. continued till 1708. Acts 9 & 10 W. 3. c. 13. and c. 13. 10 & 11 W. 3. c. 21. continued. Persons may lend 500,000 l. on credit of this act, with interest. Monies lent not to be taxed, &c. Orders assignable. Assignee may assign again, &c. EXP. By 9 Annæ, c. 21. s. 30. Persons having tallies, &c. on this act shall be admitted into the South Sea company.

CAP. V.

An act for granting an aid to her Majesty, by sale of several annuities at the Exchequer, for carrying on the war against France and Spain.

Most gracious Sovereign,

WHEREAS by an act of parliament made and passed at Westminster, in the fourth year of the reign of King William and Queen Mary (of blessed memory) intituled, An act for granting to their Majesties certain rates and duties of excise upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand 4 W. & M. c. 3.

5. W. & M.
C. 20.

5. W. & M. C. 5.

Any person
may pay
79,155 l. into
the Exchequer
for purchasing
annuities, &c.
out of the Ex-
cise, granted
by 4 W. & M.
C. 3.

land pounds, towards carrying on the war against *France*, certain rates or duties of excise upon beer, ale, and other liquors, were imposed, during the term of ninety-nine years, which commenced from the five and twentieth day of January, in the year of our Lord one thousand six hundred ninety and two, and made liable to the payment of several annuities, which were to be purchased in the form therein prescribed: and by another act of parliament made in the fifth year of the reign of their said late Majesties, intituled, An act for granting to their Majesties several rates and duties upon tunnage of ships and vessels, and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of fifteen hundred thousand pounds, towards carrying on the war against *France*, two seventh parts of other duties of excise upon beer, ale, and other liquors thereby granted to their said late Majesties, their heirs, and successors, are made liable to the payment of other annuities, which were to be purchased in the manner and form thereby prescribed: and whereas by virtue or in pursuance of the said several acts, and of another act made in the fifth year of their said late Majesties reign, for supplying the deficiency of the money raised by the said first above mentioned, several annuities were purchased at divers rates for one, two, or three lives: and whereas several of the said annuities which were so purchased (and whereupon no reversion or further estate or interest hath been purchased, and which have not been changed into a certain term of years, in pursuance of any subsequent act or acts of parliament in that behalf) are determined by the deaths of such contributors or their nominees respectively, for whose life or lives the same were to continue respectively, which annuities, so determined, did amount at least to the sum of five thousand two hundred seventy seven pounds per annum, which was payable out of the duties of excise imposed by the said first mentioned act of parliament, and to the sum of five hundred sixty five pounds per annum, which was payable out of the said two seventh parts of the other duties of excise before mentioned: now for the more effectual raising the money which is necessary for carrying on the present war against *France* and *Spain*, and supplying your Majesty's other occasions, we your Majesty's most dutiful and loyal subjects, the commons of *England* in parliament assembled, do cheerfully and unanimously grant unto your Majesty a further aid to arise by contributions for annuities to be purchased in such manner as is herein after expressed; and do humbly pray your Majesty that it may be enacted; and be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for any person or persons (being her Majesty's natural-born subjects) at any time or times before the first day of *March*, one thousand seven hundred and two, to contribute, advance, and pay into the receipt of her Majesty's Exchequer any sum or sums of money, not exceeding in the whole the sum of seventy nine thousand one hundred and fifty five pounds, for purchasing

purchasing such annuities as are herein after mentioned, out of the said duties of excise imposed by the act of parliament first above mentioned, and any other sum and sums of money, not exceeding in the whole the sum of eight thousand four hundred and seventy five pounds for purchasing such annuities as are herein after mentioned, out of the said two seventh parts of the other duties of excise before expressed, upon the terms following (that is to say) That all and every such contributor and contributors respectively, his, her, and their executors, administrators, and assigns (being her Majesty's natural-born subjects, as aforesaid) out of such of the said branches or duties of excise, whereupon he, she, or they shall pay the consideration money, to purchase such annuities, as aforesaid, shall have and receive an annuity, yearly rent, or payment, after the rate of fourteen pounds of lawful *English* money for every sum of two hundred and ten pounds so paid, as aforesaid, and so proportionably for any greater sum which shall be so paid or contributed, for and during the full term of fourscore and nine years, to be reckoned from the five and twentieth day of *January*, in the year of our Lord one thousand seven hundred and two; the same to be paid at the four most usual feasts of the year; that is to say, The feast of the annunciation of the blessed virgin *Mary*, the nativity of Saint *John* the baptist, Saint *Michael* the archangel, and the birth of our Lord Christ, by even and equal portions; the first payment thereof to be made at the feast of the annunciation of the blessed virgin *Mary*, one thousand seven hundred and three.

and 8.475 l. for purchasing annuities, &c out of the two seventh parts of excise granted by 5 W. & M. c. 5.

II. And be it further enacted, That all and every such contributor and contributors, so paying the said consideration money, as aforesaid, or such as he, she, or they shall nominate, his, her, and their executors, administrators, and assigns (being natural-born subjects, as aforesaid) shall have, receive, and enjoy, and be intitled, by virtue of this act, to have, receive, and enjoy the respective annuity and annuities, so to be purchased, for and during the whole term aforesaid, out of such of the said rates or duties of excise, upon which such purchase shall be made, as aforesaid, freed from all taxes, rates, and impositions whatsoever, and as fully and beneficially as other purchasers of annuities for any life or lives, or of any reversionary annuities upon the said acts, or any of them, do or ought to have, receive, or enjoy the respective annuities so by them purchased: and that all and every the directions, powers, and clauses in the said former acts contained, for and concerning the levying of tallies, the making forth of orders, or for making of transferences or assignments, or for the apportioning or applying the monies arising by the said funds or revenues, or any of them, or for appointing, settling, or establishing any other matter or thing, for or in relation to the respective annuities thereby purchased or obtained (other than the making proof of nominees being alive) shall be and are by force and virtue of this act revived, and shall be duly observed, practised, and put

Contributors, &c. intitled to the said annuities.

Free from taxes, &c.

Powers, &c. in the aforesaid act revived,

in execution, for and in respect of such annuities as shall be purchased and obtained upon this act, as fully and effectually as if the same powers, directions, and clauses were here again expressed, and particularly repeated.

In case duties
of excise prove
deficient, &c.

III. And be it further enacted and declared by the authority aforesaid, That in case the said rates and duties of excise which were granted for ninety nine years, as aforesaid, or the said two seventh parts of the other rates and duties of excise above mentioned, or any or either of them, shall at any time or times appear to be so deficient in the produce of the same, as that at the end of any one year to be reckoned from and after the five and twentieth day of *December*, in the year of our Lord one thousand seven hundred and two, the same, or any of them respectively, shall not be sufficient to discharge and satisfy all the payments upon the respective annuities by this and any former act or acts of parliament charged thereupon, whereby the said annuities, or any of them, shall be in arrear, then, and so often, and in every such case, all and every such deficiency and deficiencies shall be provided for, answered, and made good by or out of the next aids to be raised and granted by parliament; and the monies so to be supplied, together with the monies of the rates and duties before mentioned, shall be applied to and for the payment of all arrears which shall then appear to be due and unpaid upon the said annuities, or any of them; so that the same shall be fully discharged and paid off, according to the true meaning of this act.

how they shall
be provided
for, &c.

C A P. VI.

An act for the better preventing escapes out of the Queen's Bench and Fleet prisons.

WHEREAS divers persons heretofore legally committed by her Majesty's several courts of record at Westminster, to the custody of the marshal of the Queen's Bench, and to the prison of the Fleet, upon actions for the recovery of debt, or damages, or for contempts in not performing orders or decrees made in courts of equity, and in execution, have by bribes and illegal practices, to and with such marshal of the Queen's Bench, or to and with the warden of the said prison of the Fleet, or some of their officers or servants, or other persons in trust for them, and for their respective uses and benefit, frequently procured from such marshal or warden liberty to escape, and go at large, without satisfaction made to the respective plaintiffs or creditors, and without discharging such debts, or satisfying such damages, or performing such orders or decrees, as well to the great damage of honest creditors, the decrease of personal credit, and discouragement of trade, as in open defiance to all good and wholesome laws heretofore made to restrain such abuses: for remedy whereof, and for preventing the like evil practices for the future, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by

by the authority of the same, That if any person or persons already committed, rendred, or charged, or who shall hereafter be committed, or rendred to, or charged in the custody of the marshal of the *Queen's Bench* for the time being, or to or in the prison of the *Fleet*, either in execution, or upon mesne process, or upon any contempt in not performing such order or decree by any of her Majesty's courts at *Westminster*, and such person or persons shall, at any time after such commitment, render, charge, or being in execution, and before he, she, or they shall have made payment or satisfaction to the respective plaintiff or plaintiffs, creditor or creditors, or shall have cleared him, her, or themselves of such contempts, as he, she, or they were, or shall be charged with at the time of such their commitment, render, charge, or being in execution, as aforesaid, make any escape from the custody of the marshal of the *Queen's Bench* for the time being, or from the prison of the said *Queen's Bench*, or from the prison of the *Fleet*, or either of them, or shall go at large, at any time after the three and twentieth day of *January*, which shall be in the year of our Lord one thousand seven hundred and two, it shall and may be lawful upon oath thereof in writing, to be made by one or more credible person or persons, before any one of the judges of that court where such action was entred, or judgment and execution were obtained, or where the party was so committed or charged, as aforesaid, to and for such judge, before whom such oath shall be made, as aforesaid, and such judge is hereby authorized and required, from time to time, to grant unto any person whatsoever, who shall demand the same, one or more warrant or warrants under his hand and seal, therein reciting the action or actions, execution or executions, contempt or contempts, with which such person or persons so escaping, or going at large, stood charged, or were committed at the suit of any person or persons, on whose behalf such warrant or warrants shall be demanded at the time of such escape, or going at large (which said warrant or warrants shall be in force in all places whatsoever, within the kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*) directed to all sheriffs, mayors, bailiffs, constables, headboroughs, and tythingmen, therein and thereby commanding them, and every of them, in their respective counties, cities, towns, and precincts, to seize and re-take such person or persons so escaped, or going at large; and such person or persons so re-taken upon such warrant forthwith to convey and commit to the common gaol of such county where such person or persons so escaped, or going at large, shall be re-taken, there to remain without bail or mainprize, or being thence upon any account whatsoever delivered or removed, until he, she, or they shall have made full payment or satisfaction to the respective plaintiff or plaintiffs, creditor or creditors, in such action or actions, execution or executions, named, or until the judgment or judgments, on which such execution or executions was or were sued out against such person or persons, shall be reversed

Prisoner in the
Queen's Bench
or Fleet prison,

making
escape, &c.

on oath there-
of,

judge may
grant warrant
for retaking
such prisoner,

who shall be
committed to
the county
gaol where
taken, there to
remain, &c.
By 5 Annæ,
c. 9. s. 1. such
persons shall be
committed to
the prison,
whith the
sheriff useth for
debtors.

or discharged by due course of law, or until judgment in such action or actions be given for such person or persons so committed, as aforesaid, or until the said contempt or contempts, for which such person or persons were or shall be committed; be cleared, and discharged; except such person or persons be charged with treason or felony, or any other crime, matter, or cause, for and on the behalf of the Queen's majesty, her heirs and successors; and if he or she, for any such cause, on the behalf of the Queen, her heirs and successors, be removed to any other gaol or prison, he or she shall be, in the custody of such gaol, charged with all the causes with which he or she is or shall be charged in the gaol from whence he or she shall be removed:

Mayor, &c. after delivery of prisoner, shall take a receipt from sheriff. Sheriff to make return of warrant, &c.

and every mayor, and other officer, as aforesaid, after delivery of such prisoner so re-taken together with such warrant to the sheriff, shall take a note in writing from such sheriff, testifying the receipt of such prisoner, which said sheriff is hereby required to receive such prisoner, and give such note: and every such sheriff, as aforesaid, after the execution of such warrant, shall forthwith make a return thereof to the court where the action shall be depending, or judgment, order, or decree had or obtained; which shall be entred and filed upon record.

and answer for prisoner escaping, after re-taken.

II. And be it further enacted, That if any such person or persons so retaken by warrant, as aforesaid, shall at any time make any escape out of the gaol to which he, she, or they shall be so conveyed and committed, as aforesaid, the sheriff, in whose custody he, she, or they was or were, shall be liable to answer for such escape, as in the case of any other escape; any law, usage, or custom to the contrary in any wise notwithstanding.

Prisoners bail may have a writ to sheriff to detain prisoner, &c.

III. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, that are or shall be bail in any suit or action in any of her Majesty's courts of record at *Westminster*, for any person or persons that shall be retaken and conveyed to such gaol as aforesaid, by virtue of such warrant as aforesaid, to have and prosecute, out of such of her Majesty's courts, where he or they are or shall be bail, a writ directed to the sheriff of the county, to the gaol whereof such prisoner so retaken shall be committed and detained, commanding such sheriff to detain and keep such prisoner in custody in discharge of his bail; which writ, with an account whether he hath the said prisoner in his custody, shall be returned by the said sheriff into court, at a day therein to be mentioned, and the delivery of every such writ to the sheriff, or his deputy, shall be deemed and taken to be an effectual render of such prisoner, to all intents and purposes whatsoever, in discharge of the said bail; and that in case such sheriff, his deputy, or other his inferior officer, shall thereafter suffer the person or persons so rendered, in discharge of his, her, or their bail, to escape, they and every of them so offending shall be liable to such action and actions, as the marshal of the *Queen's Bench*, or warden of the *Fleet* prison, is or are

Writ to be returned into court, &c.

Sheriff, &c. after prisoner to escape, liable to such action, &c. as marshal or warden, &c.

liable

liable to, for permitting any person to escape out of his or their custody or prison, who was committed to such custody or prison upon render, in discharge of his, her, or their bail.

IV. And be it further enacted, That all and every such sheriffs, upon request of such person or persons, being bail as aforesaid, who shall deliver such writ for keeping and detaining such prisoner as aforesaid, and for the usual fees of returns of actions; shall make, return and certify, under his hand, the receipt of such writ, and the time thereof, and whether the said person so retaken was then in his custody, and in default thereof, shall for every such default, neglect, or refusal, forfeit the sum of fifty pounds, to be recovered in any of her Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no essoin, protection, wager of law, or any more than one imparlance shall be allowed; and that upon producing such return or certificate to the court where such bail shall be taken, such court shall direct and cause a *reddidit se* to be entred upon the bail-piece, which shall be as effectual to all intents and purposes, as if the said bail had then actually rendred the person of the said defendant to such court, or before any judge or judges of the same.

Penalty on sheriff, &c. neglecting to make return of writ.

Reddidit se.

V. And for the prevention of disputes touching this act, be it enacted by the authority aforesaid, That the same, and every clause and thing therein contained, shall be adjudged and taken to be a general law, and that it shall not be needful to set forth the same in pleading, or any part thereof; and that the same, and every clause therein, shall be construed most beneficially for the preventing of all the mischiefs, abuses, escapes, and other inconveniencies herein provided against: and further, That if any person or persons shall at any time be sued for putting in execution any power or authority given by this act, such person or persons shall and may plead the general issue, and give in evidence the special matter; and if the plaintiff or plaintiffs in such action or actions shall be nonsuit, or discontinue his, her or their action or actions, or a verdict shall be given for the defendant or defendants, or that judgment upon demurrer shall be given for the defendant or defendants, every such defendant or defendants shall have his or their treble costs of suit.

This act to be a general law.

General issue.

Treble costs.

CAP. VII.

An act for explaining and making effectual a late statute concerning the haven and piers of the burgh of Great Yarmouth, and for confirming the rights and privileges of the said burgh. 10 W. 3. c. 5.

Wherever the name and stile of the corporation of Great Yarmouth shall be altered, &c. the mayor, &c. shall have and enjoy the same rights, &c. as bailiffs, &c. Mayor, &c. liable to account for monies collected, and pay the like fee-farm rents, &c. as the bailiffs, &c. Twelve commissioners to inspect the accounts, who may call before them the collectors, and order monies resting due to be laid out, &c.

C A P. VIII.

An act for explanation of a clause in one act made in the seventh year of his late Majesty's reign relating to Borelaps, and to take off the additional subsidy upon Irish linen.

WHEREAS in and by an act of parliament made in the seventh year of the reign of his late majesty King William the Third, of blessed memory, intituled, An act for continuing several duties granted by former acts upon wine and vinegar, and upon tobacco, and East India goods, and other merchandizes imported, for carrying on the war against France, it is therein recited, That whereas several merchants trading with the United Provinces in several sorts of coarse linen, commonly called Borelaps, had then of late been compelled to pay custom for the same as Hollands, which came to above thirty five pounds per centum; whereby the said trade, so useful to the poorer sort of people, was not only likely to be lost, but the customs thereby much abated: it was therefore enacted, That all such linen cloth, known or commonly called by the name of Borelaps, not exceeding twenty eight inches and a half in breadth, nor twopence an English ell in value, should be entred ad valorem during the continuance of that act, and pay all other duties accordingly: and whereas some doubt hath been made, whether the said clause concerning Borelaps be yet in force, and is to continue for such time and term of years, as other clauses in the said recited act are by subsequent acts now in force continued; be it therefore declared and enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said clause concerning Borelaps, and the duties and customs payable for the same ad valorem, is and shall be in full force and effect to all intents, constructions and purposes whatsoever, until the first day of August, one thousand seven hundred and ten. EXP.

concerning
Borelaps, and
the duties, &c.
to be in force
till 1710.

II. And whereas by one other act made in the seventh year of the reign of his late majesty King William the Third, intituled, An act for encouraging the linen manufacture of Ireland, and bringing flax and hemp into, and the making of sail-cloth in this kingdom, it is enacted, That it shall and may be lawful to and for any native or natives of England, or Ireland, to import into England, directly from Ireland, any sorts of hemp or flax, and all the production thereof, as thread, yarn, and linen, of the growth and manufacture of Ireland, free from all manner of customs, duties, and impositions whatsoever, upon producing such certificate, and making such oath, as in the said act is mentioned: and whereas by one other act made in the eighth year of the reign of his said late Majesty, intituled, An act for granting to his Majesty a further subsidy of tunnage and poundage upon merchandizes imported, for the term of two years and three quarters, and an additional

7 W. 3. c. 39.
§ W. 3. c. 24.

ix for one year, for carrying on the war against France, a further subsidy of poundage was granted to his Majesty after the rate of twelve pence for the value of every twenty shillings, upon all manner of goods and merchandizes imported or brought into this realm, or any the dominions to the same belonging, at any time after the first day of May, one thousand six hundred ninety seven, and before the first day of February, one thousand six hundred ninety nine, according to the several and particular rates and values of the same goods and merchandizes, as the same are particularly and respectively rated and valued in the aforesaid book of rates; which said additional subsidy of poundage hath been since continued by divers acts, and is yet in force, and to continue for and during the term of her Majesty's life; by reason of which said last mentioned act, and the several acts for continuing the said additional subsidies, all linens imported from Ireland do now stand charged with the said additional subsidy of twelve pence for the value of every twenty shillings of the same goods imported, notwithstanding the said recited act of the seventh year of his late Majesty's reign, for encouraging the linen manufacture of Ireland; be it therefore enacted by the authority aforesaid, That from and after the first day of March, in the year of our Lord one thousand seven hundred and two, all sorts of hemp or flax, and all the production thereof, as thread, yarn and linen, imported into England directly from Ireland, by any native or natives of England or Ireland, being of the growth and manufacture of Ireland, upon producing such certificates, and making such oath as in and by the said act of the seventh year of his said late Majesty was and is required, shall be free from the said additional subsidy of poundage, and all manner of customs, duties and impositions whatsoever; any act, custom, or usage heretofore to the contrary thereof in any wise notwithstanding.

Hemp or flax, &c. may be imported from Ireland, free.

C A P. IX.

An act for punishing of accessories to felonies, and receivers of stolen goods, and to prevent the wilful burning and destroying of ships.

FORASMUCH as the counsellors and contrivers of theft and other felonies, and the receivers of goods that have been stolen, are the principal cause of the commission of such felonies; and as the law now is, no accessory can be convicted or suffer any punishment where the principal is not attainted, or hath the benefit of his clergy; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twelfth day of February, which shall be in the year of our Lord one thousand seven hundred and two, if any principal offender shall be convicted of any felony, or shall stand mute, or peremptorily challenge above the number of twenty persons returned to serve of the jury, it shall and may be lawful to proceed against any accessory, either before or after the fact, in the same manner,

If principal offender be convicted of felony, &c. it shall be lawful to proceed against accessory;

who on conviction shall suffer the same punishment, &c.

3 & 4 W. & M.
c. 9. l. 4.

Receivers of stolen goods maybe punished, where the principal felon is not convicted.

Witnesses for prisoner on trial for treason or felony, shall depose on oath, in such manner as the Queen's witnesses. Penalties if convicted of perjury.

Captain, master, &c. wilfully casting away or burning, &c. any ship, shall suffer death.

Such offence committed on the high seas may be tried in any shire in England,

ner, as if such principal felon had been attainted thereof notwithstanding any such principal felon shall be admitted the benefit of his clergy, pardoned, or otherwise delivered before attainder; and every such accessory shall suffer the same punishment, if he or she be convicted, or shall stand mute, or pre-emptorily challenge above the number of twenty persons returned to serve of the jury, as he or she should have suffered the principal had been attainted.

II. And forasmuch as buyers and receivers of stolen goods do often times convey away and conceal the principal felons, so that they cannot be convicted of such principal felony, and thereby such buyers and receivers have escaped all manner of punishment, which has greatly encouraged the buying and receiving of such stolen goods: for remedy whereof be it enacted by the authority aforesaid That from and after the said twelfth day of *February*, one thousand seven hundred and two, it shall and may be lawful to prosecute and punish every such person and persons buying or receiving any stolen goods, knowing the same to be stolen, as for a misdemeanor, to be punished by fine and imprisonment, although the principal felon be not before convicted of the said felony, which shall exempt the offender from being punished as accessory, if the principal shall be afterwards convicted.

III. And be it further enacted by the authority aforesaid, That from and after the said twelfth day of *February*, one thousand seven hundred and two, all and every person and persons, who shall be produced or appear as a witness or witnesses on the behalf of the prisoner, upon any trial for treason or felony, before he or she be admitted to depose, or give any manner of evidence, shall first take an oath to depose the truth, the whole truth, and nothing but the truth, in such manner, as the witnesses for the Queen are by law obliged to do; and if convicted of any wilful perjury in such evidence, shall suffer all the punishments, penalties, forfeitures, and disabilities, which by any of the laws and statutes of this realm are and may be inflicted upon persons convicted of wilful perjury.

IV. And for the effectual preventing the wilful casting away, burning, or otherwise destroying, by masters and mariners, of ships under their charge, be it enacted by the authority aforesaid, That if any captain, master, mariner, or other officer belonging to any ship, shall, after the said twelfth day of *February*, one thousand seven hundred and two, wilfully cast away, burn, or otherwise destroy the ship unto which he belongeth, or procure the same to be done, to the prejudice of the owner or owners thereof, or of any merchant or merchants that shall load goods thereon, he shall suffer death as a felon.

V. And be it further enacted by the authority aforesaid, That all and every the said offence and offences committed on the high seas, or where the admiralty hath jurisdiction, shall be inquired, tried, heard, determined, and judged, in such shires and places in the realm, as shall be limited by the Queen.

com-

commission under the great seal of *England*, in such manner and form, as in and by an act made in the twenty eighth year of the reign of the late King *Henry* the Eighth, is directed and appointed for the trial of pirates; and that all and every person and persons, who, from and after the said twelfth day of *February*, one thousand seven hundred and two, shall be convicted of any of the said offence or offences last mentioned, or shall stand mute, or peremptorily challenge above the number of twenty persons returned to serve of the jury, shall suffer death without benefit of clergy.

as by 28 H. 8. c. 15.

Person convicted thereof to suffer death without benefit of clergy.

C A P. X.

An act for the better repairing and amending the highways, from the north end of Thornwood Common, to Woodford in the county of Essex. E X P.

C A P. XI.

An act for making the river Cham, alias Grant, in the county of Cambridge, more navigable, from Clayhithe Ferry, to the Queen's Mill, in the university and town of Cambridge.

Eleven conservators of the river Cham to be chosen, for making the river navigable, from Clayhithe Ferry, to the Queen's Mill, &c. who may open weirs, locks, &c. dig the banks, and erect wharfs, &c. conservators to agree with owners of land, &c. for damages. Justices, &c. to determine differences between the conservators and owners. Such determination to bind all parties, and be recorded. On payment of monies agreed on, conservators may dig, &c. conservators, &c. to make orders for the orderly usage of the said river, &c. Justices of assize may relieve persons aggrieved. University may choose one or more conservators in case of death, &c. and so may justices, &c. and the mayor and aldermen of Cambridge, &c. Conservators so chosen to have like power, &c. and never to exceed eleven. After works are finished, conservators may survey the river, &c. and make orders, &c. river, &c. to be under the sole rule, &c. of conservators, and not subject to any commission of sewers. Tolls and duties to be paid for carrying goods or passengers up or down the said river, viz. For every chalders of coals, 9d. hundred of deal boards, 2s. load or tun of timber, 1s. last of wheat, rye, or mesledine, 1s. 6d. last of oats, barley, or malt, 1s. thousand of bricks, 1s. thousand of tiles, 6d. hundred of sedge, 2d. tun of stones or pebbles, 1s. thousand of turf, 2d. load or twenty hundred of hay, 6d. last of seeds, 1s. 6d. tun of clay, or sand, 6d. hundred of salt fish, 1s. tun of iron, or lead, 2s. tun of salt, 1s. tun of wine, 4s. tun of oil, vinegar, pitch, tar, or sope, 1s. tun of butter or cheese, 1s. hundred of fagots, 2d. hundred of billets, 2d. hundred of hops, 6d. tun of cyder, 2s. hundred pales, barrel, or hoghead staves, 1d. passage boats, for each passenger, 1d. goods not here mentioned, 1s. per tun. Right of the university, &c. saved. Conservators, &c. may appoint a collector, who shall pay the monies received once in 14 days to the treasurer. Collector, treasurer, &c. to give security, and may be removed, &c. Conservators may convey the duties for monies borrowed. How monies borrowed shall be employed. Duties shall not be conveyed for more than 2. cool. After principal and interest shall be discharged, conservators to lay their accounts before the auditors, &c. collector, &c. may enter into any boat, &c. and in case duty be not paid, boat, &c. may be stopped, and distress sold. Once a year inspection to be made of all receipts and disbursements, &c. in St. Mary's Church in Cambridge. Auditors to pass the accounts, and the same to be entred in three books, which may be inspected gratis. Watermen, &c. may use winches, &c. Masters of lighters, boats, &c. responsible for damages, &c. Height of the tops of weirs, sasses, &c. In the absence of chancellor, vice chancellor to act, &c. Conservators to choose collector, receiver, treasurer, &c. and make orders, &c. University, &c. may alter or vacate such orders, and remove collectors, &c.

C A P.

CAP. XII.

An act for the finishing and adorning the cathedral church of Saint Paul's, London.

WHEREAS the revenue already granted for rebuilding and adorning the cathedral church of saint Paul's, London, is sufficient to compleat the same; and it being also requisite to repair the houses between the north side of the said cathedral church, the alleys called New Jewry and Pissing Alley, which by their nearness thereto expose it to apparent danger in case of fire, the purchase and removal whereof will be an additional expence; and the building being now so far advanced, that it may in few years be perfected, if vigorously carried on; be it enacted by the Queen most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That for all sorts of coals and culm, which from and after the fifteenth day of *May*, one thousand seven hundred and eight, and before the fifteenth day of *May*, one thousand seven hundred and sixteen, shall be imported or brought into the port of the said city of *London*, or the river of *Thames*, within the liberty of the said city upon the same river, there shall be paid, by way of imposition thereupon, over and besides all other impositions and duties, according to the rates hereafter mentioned, (that is to say) for all such sorts of coals and culm as are usually sold by the chalder, for every chalder thereof, containing thirty six bushels *Winchester* measure, the sum of two shillings; and for such sort of coals as are sold by the tun, for every tun thereof containing twenty hundred weight, the sum of two shillings; which said imposition of two shillings for every chalder of coal or culm, or tun of coals, shall, from time to time, during the term aforesaid, be levied, answered, collected, and paid, in the same manner, methods, and form, and at such places, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned, expressed, or directed in and by an act of parliament passed at *Westminster*, in the first year of the reign of King *James* the Second, intituled, *An act for rebuilding, finishing and adorning of the cathedral church of Saint Paul's, London*, for levying, answering, collecting, and paying, the imposition of eighteen pence for every chalder or tun of coal granted by the said recited act; and that all and every the powers, authorities, articles, rules, and clauses in the said recited act mentioned or contained, shall be of such force and effect to all intents and purposes, for the levying, collecting, paying, ordering, and disposing of the imposition hereby granted for and during the said term herein before limited, as if the same were particularly and at large set down and enacted by this act.

For all coals and culm from 1708. to 1716. brought to the port of London or the Thames shall be paid the rates following, viz.

For every chalder of coals or culm, ss.

Coals sold by the tun, ss. per tun.

In what manner duties shall be levied, &c.

The powers in 1 Jac. 2. c. 15. revived.

Money how appropriated.

II. And be it further enacted by the authority aforesaid, That all and every such sum and sums of money which shall be raised

aised, collected, or levied by virtue of this act, shall be appropriated, applied, and disposed to the completing, adorning, securing, and preserving the said cathedral church of Saint Paul's, and to no other use or purpose whatsoever: and that the lord archbishop of *Canterbury*, lord bishop of *London*, and lord mayor of *London*, for the time being, or any two of them, shall have the like powers and authorities for the ordering, directing, and disposing of the monies arising by virtue of this act, for the purpose before mentioned, as they had by the said former act, for the ordering, directing, and disposing of the monies arising thereby.

III. And be it further enacted by the authority aforesaid, Commissioners That it shall and may be lawful to and for the lord archbishop of *Canterbury*, lord bishop of *London*, and lord mayor of *London*, for the time being, or any two of them, to contract for and purchase, and to appropriate, by warrant under their hands and seals, so much monies arising by the duties granted by this act, as shall be sufficient for the contracting for, purchasing, and demolishing all the said houses and buildings, with their appurtenances, which are now erected, and standing between the north side of the said cathedral church and the said alleys called *New Jewry* and *Pissing Alley*; and that the ground of the said houses and yards thereunto belonging (when purchased) shall be and remain for ever after free from any future building whatsoever, except as herein after is excepted: and also all houses, buildings, and sheds, made use of for watch-houses, or any officers of the said fabrick, for the building thereof, shall at such time as the said lord archbishop of *Canterbury*, lord bishop of *London*, and lord mayor of *London*, for the time being, or any two of them shall appoint, be pulled and taken down, and that the ground or soil thereof shall be laid to, and remain as part of the church yard of the said cathedral church: and that for the making the more regular the said church yard, the lord archbishop of *Canterbury*, lord bishop of *London*, and lord mayor of *London*, for the time being, or any two of them, shall have power to treat and agree with the respective vestries of the parishioners of Saint *Gregory* and Saint *Faith*, for exchanging their places of burial in the church yard, and vaults under the cathedral church of Saint *Paul's*, for other equivalent ground and vaults belonging to the said cathedral, or elsewhere in the said parishes: and all the said ground and vaults, as well that to be received in exchange, as of the houses, buildings, and sheds aforesaid, shall be deemed and reputed the church yard and burying ground of the cathedral church of Saint *Paul's*.

IV. And be it further enacted by the authority aforesaid, That at such time as the said lord archbishop of *Canterbury*, lord bishop of *London*, and lord mayor of *London*, for the time being, or any two of them, shall think fit, the said church yard shall be inclosed or separated from the high street, and that no house or building whatsoever shall hereafter be erected in or upon any part of the said church yard, except a place for the

may appropriate so much money as will purchase in the buildings to be demolished, &c.

New Jewry,
Pissing Alley,

Houses, sheds,
&c. to be
pulled down,

and ground
laid to the
church yard.

Commissioners may agree with the vestries of St. Gregory and St. Faith, for exchanging their burial places, &c.

Church yard
to be inclosed,
and no building erected
thereon, ex-

cept a chapter
house, &c.
or storehouse.

meeting of the chapter of the said cathedral church, and keeping the stores for the necessary repairs of the said church, which may be built by and with part of the money to be raised by virtue of this act. And if any house or building shall hereafter be erected in or upon any part thereof, except before excepted, the same shall be taken and esteemed a common nuisance, and be prosecuted and punished as such.

Sale of houses,
&c. made by
the bishop of
London, &c.
shall be good
in law.
How purchase
monies shall
be applied.

V. *And whereas some of the houses and grounds, which were purchased and made use of for securing the said cathedral church from accidents of fire, and for regulating the church yard as aforesaid, or may belong to the see of London, dean and chapter, or petty canons, of the said cathedral, in right of the said see, chapter, or church; be it enacted by the authority aforesaid, That any purchase made by the lord bishop of London, dean and chapter, or petty canons, of any such houses and grounds for the purposes aforesaid, shall be good and valid in the law, and shall bind them and their successors, any statute of restraint to the contrary notwithstanding: and that the lord archbishop of Canterbury, lord bishop of London, and lord mayor of London, for the time being, or any two of them, shall apply and lay out the monies which shall be paid for the purchase of the estate and interest of the said lord bishop of London, dean and chapter, or petty canons, in the said houses and grounds belonging to the said see of London, the said dean and chapter, and petty canons, or any one of them, for the purchasing of lands and tenements in fee simple to be settled upon them respectively, and upon their respective successors, in right of the said church; which said purchase and settlements shall be valid in law to all intents and purposes, the statute of mortmain, or any other statute, law, or custom notwithstanding.*

Commissioners
may engage
the profits, &c.

VI. *And forasmuch as it is the intention of this act, that the rebuilding of the said cathedral church of St. Paul's be speedily completed, which will save much charge and expence, that would be unavoidable, in case of a slow and dilatory progress; be it enacted by the authority aforesaid, That the said lord archbishop of Canterbury, lord bishop of London, and lord mayor of London, for the time being, or any two of them, shall, and are hereby empowered, by indenture under their hands and seals, to engage the profits arising out of the respective impositions by the said act, or any part or parts thereof, as a security for the repayment of any sum or sums of money by them to be borrowed for the ends and purposes of this act, with interest for forbearance of the same (the interest whereof to grow due before the commencement of the duty hereby imposed, shall and may be paid out of the monies arising by the duties given by an act made in the eighth year of the reign of the late King William the Third, intituled, *An act for completing the building and adorning the cathedral church of Saint Paul's London, and for repairing the collegiate church of Saint Peter, Westminster; so as such payments do not prejudice any persons who have already advanced any sums on the credit of the said last mentioned duties**

How interest
shall be paid.

8 W. 3. c. 14.

ties) to any person or persons, that shall or will advance or lend any sum or sums of money upon such security: all which money so to be borrowed, shall be employed for and towards rebuilding, finishing, adorning, and securing the said cathedral church, and for contracting for, purchasing, and demolishing the adjacent houses and buildings aforesaid; as also for inclosing and regulating the church yard of the said cathedral church, according to the true intent and meaning of this act.

How monies borrowed shall be employed.

C A P. XIII.

An act for continuing former acts for exporting leather, and for ease of jurors, and for reviving and making more effectual an act relating to vagrants.

WHEREAS divers temporary laws, which by experience are found to be useful and beneficial, are near expiring; therefore for continuing the same, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twentieth year of the reign of King Charles the Second; intituled, *An act for giving liberty to buy and export leather, and skins tanned and dressed*; which act was revived by an act in the first year of the reign of the late King James, which acts were revived and continued by an act made in the first year of the late King William and Queen Mary; which acts were revived and continued by another act in the seventh and eighth years of the reign of King William the Third, intituled, *An act for continuing several acts therein mentioned*; which act will expire the end of the first session of parliament next after the twenty fifth day of March, one thousand seven hundred and three, shall be continued, and be in force for the space of seven years, from the end of that session of parliament, and from thence to the end of the first session of parliament thence next ensuing.

29 Car. 2. c. 5.
1 Jac. 2. c. 13.
1 W. & M. II.
1. c. 23.

7 & 8 W. 3. c. 36. for exporting leather, continued for 7 years.
E X P.

II. And be it enacted by the authority aforesaid, That an act made in the seventh and eighth years of the reign of King William the Third, intituled, *An act for the ease of jurors, and better regulating of juries*; which act will expire at the end of the next session of parliament after the first day of May, one thousand seven hundred and three, shall be, and is hereby continued for the space of seven years, from the expiration thereof, and from thence to the end of the next session of parliament.

7 & 8 W. 3. c. 32. concerning juries, continued for 7 years.
perpetual 6.
Geo. 2. c. 37.

III. And whereas divers persons within the county of York, liable to serve on juries at assizes and sessions of the peace (having very considerable estates in freehold and copyhold) do for their own ease prevail with sheriffs to be returned and summoned to the service of the sessions, being nigh their habitations, and the attendance there short, which often necessitates men of meaner estates to be on juries at the assizes, than otherwise might and ought to be; where the considerablest men of estates, liable to the said service, ought in their legal

Persons in the county of York having an estate of 150l. per ann. &c. shall not be returned on juries at the sessions, &c. Penalty.

legal course to be returned, summoned, and to serve: for remedy whereof be it enacted by the Queen's most excellent majesty by and with the advice and consent of the lords spiritual and temporal, and the commons, in parliament assembled, That no person interested in such estate as will qualify him to sit on juries, of the clear yearly value of one hundred and fifty pounds, or of any greater yearly value, shall be returned and summoned to serve upon any jury, at any sessions of the peace holden for any part of the county of York, upon the penalty of twenty pounds, to be forfeited by any sheriff or under sheriff, or other officer whatsoever, making such return and summons as aforesaid, to be recovered to and for the use of any person that will sue for the same, in any of the courts of record at Westminster, by action of debt, bill, plaint, information, or otherwise, wherein no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

11 & 12 W. 3. c. 18. concerning vagrants, continued for 3 years, E X P.

IV. And be it further enacted by the authority aforesaid, That an act made in the eleventh and twelfth years of the reign of King William the Third, intituled, *An act for the more effectual punishment of vagrants, and sending them whither by law they ought to be sent*; which act will expire at the end of the next session of parliament after the twenty fourth day of June, one thousand seven hundred and three, be continued for the space of three years from the expiration thereof, and from thence to the end of the next session of parliament.

and to extend to all vagrants whatsoever. For these clauses concerning vagrants, see 5 ANNÆ, c. 32. s. 1.

V. And whereas the said act has respect only to such vagrants as are found to have passes, testimonials, letters of request, or other writings, pretending thereby either to be relieved or conveyed; be it enacted by the authority aforesaid, That the said act shall be construed to extend to all vagrants whatsoever, whether with passes or without.

Justices at every Easter sessions to set down the rates for conveying of vagrants, &c. Enforced by 5 ANNÆ, c. 31. s. 5.

VI. And whereas several great sums of money, since the making of the said act, have been levied and expended for the conveying of vagrants, and that some justices of the peace give greater allowances to constables for conveying vagrants than may seem to be necessary, and that the owners of horses, waggons, carts, or other manner of carriages for conveying such vagrants, are often extravagant in their rates and demands: for remedy whereof, and for better regulating and ascertaining such allowances, be it enacted by the authority aforesaid, That the justices of the peace at the first quarter sessions that shall be held for the several counties, riding divisions, and liberties, after the commencement of this act, wherein they are commissioned to act, and so yearly, at every Easter sessions, during the continuance of this act, are hereby empowered and required to ascertain and set down the several rates that shall for the year ensuing be allowed for maintaining and conveying, and carrying of such vagrants as shall be paid or carried through their respective counties, ridings, divisions, and liberties; of which said rates the clerks of the peace are hereby required to give copies to each justice gratis, that they may accordingly regulate the allowances which they shall be occasioned to pay.

occasion to tax, upon the back of the certificates by them to be given to the several petty constables.

VII. And it is hereby further enacted, That no chief or high constable shall pay the rates taxed upon the certificates brought to them by their petty constables, unless they shall, at the same time, produce to them a receipt from the constables of the adjacent counties, to whom they are ordered to deliver the said vagrants, of their having received such vagrant or vagrants directed to be conveyed to them by the said order; which said constables of the said adjacent counties are hereby required to receive the said vagrant or vagrants, and at the same time to give such receipt, as hereby is required.

VIII. And it is hereby further enacted, That if any chief constable, petty constable, or other such officer, shall refuse or neglect to do, their several duties by this act enjoined, they shall for every offence forfeit the sum of twenty shillings; which said several forfeitures and penalties shall be recovered and recoverable as other forfeitures and penalties by this or the former act are appointed to be recovered.

CAP. XIV.

An act for encouraging the consumption of malted corn, and for the better preventing the running of French and foreign brandy.

WHEREAS the making of English brandy and strong waters from malted corn, hath been encouraged by several acts of parliament, whereby great quantities of the worst sort of malted corn, not useful to the brewers, hath been yearly consumed by those who set up works for that purpose: and whereas the consumption of English brandy and strong waters, made from malted corn, hath of late years been greatly hindered, as well by the running of French and other foreign brandies, as also by a clause in an act made in the twelfth and thirteenth years of his late Majesty's reign, intituled, An act for granting unto his Majesty several duties upon low wines or spirits of the first extraction, and for continuing other duties, whereby all distillers and tradesmen, who sell brandy or strong water by retail, are compelled to take licences as common alehouse keepers: for remedy whereof, be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That as touching and concerning all distillers who keep houses or places of distilling the liquors aforesaid, and also all other shop-keepers whose principal dealings shall be more in other goods and merchandizes than in brandy or strong waters, and who do not permit or suffer tippling in his or their houses, the said clause in the said recited act, for compelling all distillers and others to take licences as common alehouse keepers, shall be repealed, and the same clause is hereby repealed.

II. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time hereafter, import,

Clause in 12 &
13 W. 3. c. 11.
f. 18. repealed.

French brandy imported or landed before duty paid, &c. forfeited.

Penalty on persons aiding therein, &c.

and on officers concealing the same.

import, land, or deliver out of any ship, vessel or boats, a French brandy, before the duty due or payable to her Majesty for the same shall be paid, or secured to be paid, or by licence from the proper officer so to do, every person or persons that shall so do, or be aiding or assisting therein, or shall conceal the same when landed, shall not only forfeit the goods so imported, but also forfeit and pay double the value of such goods so clandestinely imported; one moiety whereof, after charges of suit deducted, shall be paid to her Majesty, and the other moiety thereof to the informer, who shall sue for the same in any of her Majesty's courts of record, by bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed, nor any more than one imparlance: and if any officer or officers belonging to her Majesty's customs, or excise, or other her Majesty's duties or revenues, shall connive at, or be concerned in any such clandestine importation, or after he shall be informed thereof shall conceal the same, or not give notice thereof to her Majesty's commissioners of the customs or excise, or some of them, or shall compound, without licence with any person or persons concerned in any such clandestine importation of French brandy, such person and persons shall be incapable of executing any office in her Majesty's revenue and shall also forfeit and pay the sum of five hundred pounds to be recovered and divided as aforesaid.

CAP. XV.

EXP.

An act for granting to her Majesty several subsidies for carrying on the war against France and Spain.

Stock in trade to pay 50 s. per cent. for one year. Except malt and corn &c. Stock in husbandry, household stuff, and capital stock of corporations. Mortgages, judgments, statutes, bonds, &c. to pay 25 s. per cent. for one year. Except debts owing from her Majesty, and arrears of rent. A deduction for debts owing at interest. Annuity, pension &c. out of the Exchequer, to pay 4 s. in the pound for one year. Except out of lands, &c. specially exempted. Persons having fee or salary &c. arising by offices ecclesiastical, civil, or military, to pay 1 s. in the pound for one year. And officers under Queen dowager, and uncles, lords of manors, &c. and their clerks, deputies, &c. Except officers in muster. Practicers in the law. Preachers in separate congregations. Brokers, factors, &c. Practicers in physick, and other professions, to pay 4 s. in the pound for one year. Commissioners for this year's land tax to execute this act, and to meet on 6 April, 1703, and may divide. Receiver general to have a list of the commissioners to each division. Subsidies to be duly assessed. Commissioners to summon assessors, and give them a charge. Penalty on absenting, or refusing to serve. Commissioners to appoint assessors, and prefix a day for bringing in their assessments, distinguishing in columns the rates upon stock in trade, debts at interest, pensions and annuities, offices, &c. Professions. Assessors to assess the same, and be collectors. Parish, &c. answerable for collector. Penalty on assessor neglecting or refusing to serve, &c. Assessors to take the oath 1 W. & M. c. 8. Commissioners may examine the presenters, and summon suspected persons to be examined, &c. and inform themselves on oath of any omission or undervaluation of assessments, and set rates. Assessors to give copies of their assessments to commissioners, who are to deliver back duplicates thereof to the assessors, and to the receivers general. Extracts of all assessments to be delivered into the Exchequer. Collectors to demand the money of the parties themselves, and pay the same to the receivers general. Receiver general

1 Annæ, stat. 2. c. 1.

general to appoint deputies, and notify the same to the commissioners, &c. and hasten the collectors, and in case of neglect, &c. to distrain. Receiver general's receipt a discharge to collectors. Collectors not obliged to travel above ten miles; and may retain 4d. in the pound for what they collect. Receivers general to pay the monies into the Exchequer, and to have 2d. in the pound. Commissioners clerks three half pence in the pound. Commissioners, &c. to apply themselves to the execution of this act. On nonpayment collectors to distrain. Distress to be kept four days, and then sold. Lawful to break open houses, and any chest, &c. Commissioners to determine disputes about distresses. Persons refusing to pay, to be committed to gaol, except a peer or peers. Parents, &c. to pay for minors, and be allowed the same in their accounts. Persons, &c. having stock of others, to pay, and be allowed, &c. Persons, &c. to be taxed where they reside, &c. Officers, &c. to be assessed where exercised. Persons not householders, where they reside. Persons out of the realm, where they last resided. Persons doubly charged, on certificate and oath to be discharged. Persons who by fraud shall escape being taxed to be doubly charged. Commissioners to nominate assessors and collectors for privileged and extraparochoial places, and assess the assessors. The East India companies, the bank, and companies of merchants in London, to be assessed by the commissioners of London. Treasurers of the companies to pay the tax. Members of parliament where to be assessed. Traders, &c. to give the assessors a particular of their stock, &c. Assessors may enter into any shop, &c. Persons refusing entrance, forfeit 50l. If assessors suspect the particulars, to assess according to the best of their judgments. Commissioners to examine the assessments, &c. Persons intitled to debts at interest, to deliver a specification of the debts; and of the persons liable to the same, &c. Commissioners to sign attested copies of the specifications. Upon oath that debts are desperate, commissioners to discharge, &c. Lands, &c. in possession of any person for debts, &c. such debts not to be charged. Persons beyond sea, and minors, having money at interest, trustees or guardians to pay the duties. Persons over-rated may appeal. Commissioners to examine the assessments. Appeals once heard to be final. Master, fellow, &c. of colleges exempted from tax. None compelled to be an assessor, &c. out of the limits of the place where he lives: nor liable to the penalties of 25 Car. 2. c. 2. or to the penalties 13 W. 3. c. 6. No commissioner to act before he has taken the oaths 1 W. & M. II. 1. c. 8. Act not to tax the inhabitants of Scotland, Ireland, Jersey, or Guernsey. Papists, &c. not taking the oaths, to pay double, 1 W. & M. II. 1. c. 8. Persons refusing to take the oaths appointed by 1 W. & M. II. 1. c. 8. to pay double. Commissioners to summon suspected persons to take the oaths. Quakers to subscribe the declaration of fidelity, 1 W. & M. II. 1. c. 18. Annuities to prince George not chargeable. No superannuated sea officers, &c. to pay. Residentiaries not chargeable as enjoying offices, &c. Clause of loan at 5 per cent. Money lent not to be taxed. Tallies of loan, and orders for repayment, to be registered and paid in course. Orders for payment assignable.

1 Annæ, stat. 2.

c. 12.

1 Annæ, stat. 3.

c. 1.

CAP. XVI.

An act for punishing officers or soldiers who shall mutiny or desert her Majesty's service in England or Ireland, and for punishing false musters, and for better payment of quarters in England.

EXP.

Officers or soldiers causing any mutiny, or who shall desert, or be twice listed, to suffer death, &c. The Queen, &c. may grant commissions to hold courts martial, not to consist of fewer than thirteen, &c. Officers, &c. not exempt from process of law. This act not to extend to the militia. An oath to be taken by officers of the court martial. Penalty on making false musters, &c. and on commissary allowing the same. Commissary to give notice before muster to the mayor, &c. Penalty on person falsely mustered, &c. and on person lending a horse to be mustered. Penalty on paymaster, &c. detaining officers or soldiers pay. Penalty on officer mustering servants, or by a wrong name. During this act, constables, &c. may quarter soldiers in inns, &c.

31 Car. 2. c. 12.

VOL. X.

K k

Penalty

Penalty on military officer presuming to quarter soldiers other than allowed. Officer, &c. to pay for provisions, &c. No deduction to be made out of soldiers pay except for clothing, and 1 s. d. is pound, and one day's pay, &c. Act to be read at every muster. Officer receipt of subsistence money for regiment, &c. to give notice there in keepers, &c. who shall give an account of debts owing, &c. Officer to pay the same. All clothes, arms, &c. shall be bought in England and not elsewhere. Muster rolls to be closed on the place of muster and one of them returned to the paymaster of the army. Justice issue out warrants for providing carriages for the forces in their march, &c. Rates to be paid for carriages, &c. Penalty on military officer forcing waggon to travel more than one day's journey, &c. No officer or soldier's wife, children, &c. to be quartered without consent. Penalty on officer or soldier destroying the game, &c. Penalty on persons carrying deserters, or buying any arms, clothes, &c. Inhabitants of England &c. not liable to quarter soldiers, &c. Officer or soldier corresponding with any rebel or the Queen's enemy, &c. guilty of high treason. Any cause any mutiny in the army, or disobey superior officer, &c. or strike or draw upon him, &c. guilty of felony, &c. Treason and felonies, &c. committed, may be tried in the King's Bench. This act not to abridge the Queen of making articles of war. Queen may grant a commission for holding a court-martial in England &c. for trying offences committed out of the realm, &c. Officer or soldier deserting beyond sea, and escaping into England, &c. may be sent back to his regiment, &c. and there tried. No person to be tried twice for the same offence. No attainder for felony to corrupt the blood of heir, &c. Persons indicted of treason, &c. to have the benefit of the act, 7 W. 3. c. 3. Marine regiments and trains of artillery subject to the penalties of this act, &c. Debts owing for quarters by the invalids of Chelsea, shall be paid. Felons, &c. convicted, may be delivered out of prison, on view of a warrant under the Queen's sign manual for a pardon, &c. Pardon to be enrolled. So much as relates to mutineers, &c. to extend to the forces in Ireland.

C A P. XVII.

An act for enlarging the time for taking the oath of abjuration; and also for recapacitating and indemnifying such persons as have not taken the same by the time limited and shall take the same by a time to be appointed; and for the further security of her Majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.

13 W. 3. c. 6.

1 Annæ, stat.
1. C. 21.

WHEREAS by an act made in the thirteenth year of the reign of his late Majesty King William the Third, intituled *An act for the further security of his Majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors; and by one other act made in the first year of the reign of her present Majesty, declaring the alterations of the oath in the said recited act contained, several of her said Majesty's subjects are obliged to take and subscribe the oath therein mentioned, by certain times limited and appointed in the said first recited act, who have, through ignorance or mistake, or by the not duly holding the courts where the same ought to have been taken, or for some other such like reasons, omitted or neglected to take*

and subscribe the said oath, and are thereby subject and liable to the disabilities, incapacities, and penalties in the said acts contained; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That if any person or persons who ought to have taken and subscribed the said oath, with the alterations in the said last mentioned act contained, in the manner, at the places, and by the times in the said first recited act limited, shall, on or before the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and three, take and subscribe the said oath, so altered as aforesaid, in such manner, and at such places, as in and by the said several acts is prescribed, such person and persons is, are, and shall be (for such neglect or omission only) by this act indemnified from and against all the penalties, forfeitures, incapacities, and disabilities incurred by such mistake, neglect, or omission, and is, are, and shall be fully and actually recapacitated and restored to the same state and condition, to all intents and purposes, as if such person or persons had taken and subscribed the said oath, in such manner, at such places, and within such times as by the said several acts is prescribed, and no such mistake, neglect, or omission had been made; any thing in the said several acts to the contrary thereof in any wise notwithstanding.

Persons who ought to have taken the oath, &c. may take the same by 1 Aug. 1703.

and be indemnified,

and recapacitated, &c.

II. Provided always, That no person or persons, who by reason of any such mistake, neglect, or omission, hath or have left or forfeited any office, benefice, place, dignity or employment whatsoever, to which any other person or persons hath or have been preferred or promoted, shall be restored to such office, benefice, place, dignity, or employment; any thing herein contained to the contrary notwithstanding.

Except to office, &c. to which another hath been preferred.

III. And for the further security of her Majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of *Wales*, and all other pretenders, and their open and secret abettors, be it further enacted by the authority aforesaid, That if any person or persons, at any time after the first day of *March*, one thousand seven hundred and two, shall endeavour to deprive or hinder any person who shall be the next in succession to the crown for the time being, according to the limitations in an act, intituled, *An act declaring the rights and liberties of the subject, and settling the succession of the crown*; and according to one other act, intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*, from succeeding after the decease of her Majesty (whom God long preserve) to the imperial crown of this realm, and the dominions and territories thereunto belonging, according to the limitations in the before mentioned acts; that is to say, such issue of her Majesty's body, as shall from time to time, be next in succession to the crown, if it shall please God Almighty to bless her Majesty

Any person endeavouring to hinder the next successor to the crown from succeeding according to the act 1 W. & M. II. 2. c. 2. 12 & 13 W. 3. c. 2.

shall be deemed guilty of high treason,

and suffer death, &c.

All persons in office, &c. in Ireland, to take the oath,

in any of the courts there,

and subscribe his name,

or at the quarter sessions.

with issue; and during the time her Majesty shall have no issue the princess *Sophia*, electress and duchess dowager of *Hannover*, and after the decease of the said princess *Sophia*, the next in succession to the crown for the time being, according to the limitation of the said acts; and the same maliciously, advisedly, and directly shall attempt by any overt-act or deed, every such offence shall be adjudged high-treason, and the offender or offenders therein, their abettors, procurers, and comforters, knowing the said offence to be done, being thereof convicted or attainted according to the laws and statutes of this realm, shall be deemed and adjudged traitors, and shall suffer pains of death and all losses and forfeitures, as in cases of high treason.

IV. And be it further enacted by the authority aforesaid That all and every person and persons that shall bear any office or offices, military or civil, or shall receive any pay, salary, or wages, by reason of any patent or grant, from her Majesty or any of her Majesty's predecessors, or shall have command in place of trust from or under her Majesty, or from any of her Majesty's predecessors, or by her or their authority, or by authority derived from her or them, within the realm of *Ireland* and all ecclesiastical persons, and master, governor, head or fellow of the college or university of *Dublin*, and all persons teaching pupils in the said university or elsewhere, and school-masters and ushers, and all preachers and teachers of separate congregations, and every person that shall act as a serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, practising in any manner as such in any court or courts whatsoever, who shall inhabit, be, or reside within the city of *Dublin*, or within thirty miles of the same, on the first day of *Easter* term, which shall be in the year of our Lord one thousand seven hundred and three, or at any time during the said term, shall personally appear before the end of the said term, or in *Trinity* term then next following, in her Majesty's high court of *Chancery* in that kingdom, or in her Majesty's court of *Queen's Bench*, *Common Pleas* or *Exchequer* there; and shall then in publick and open court, between the hours of nine of the clock and twelve in the forenoon, take the oath according to the alterations thereof in the said two first mentioned acts contained, unto which oath taken, every such person so taking the same, shall subscribe his name, or make his mark, and during the time of taking such oath, all pleas and proceedings in the said respective courts shall cease; and all and every the said respective persons not having taken the said oath, and subscribed the same, as aforesaid, shall on or before the first day of *August*, in the year of our Lord one thousand seven hundred and three, at the general quarter sessions for the county, barony, or place in the said kingdom of *Ireland*, where he or they shall be, inhabit, or reside, on the twentieth day of *May*, in the year of our Lord one thousand seven hundred and three, take the said oath in open court, between

said hours of nine and twelve in the forenoon, and subscribe name or make his mark under the same.

V. And be it further enacted by the authority aforesaid, All persons that all and every person and persons that shall be admitted, that shall be tred, placed, or taken into any office or offices, civil or military, or shall receive any pay, salary, fee, or wages, by reason of admitted into office, &c. in Ireland, to y patent or grant from her Majesty, or shall have command take the said place of trust from or under her Majesty, or by her authority, oath, &c. by authority derived from her, within the said realm of Ireland, after the first day of *Easter* term aforesaid, shall take and subscribe the said oath, at the same time that he or they shall ke the oaths, and make and subscribe the declaration required and appointed to be taken, made, and subscribed, by an act made in the third year of the reign of their late Majesties King William and Queen Mary, intituled, *An act for the abrogating the oath of supremacy in Ireland, and appointing other oaths*; and all ecclesiastical persons, every master, governor, head, or fellow of the college or university of *Dublin*, and all persons teaching pupils in the said university, or elsewhere, and all schoolmasters or ushers, and all preachers and teachers of separate congregations, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate; attorney, solicitor, proctor, clerk, or notary, by practising in any manner as such, in any court or courts whatsoever, who shall, at any time after the first day of *Easter* term aforesaid, be admitted unto or enter upon any of the before mentioned preferments, benefices, offices, or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment, or business, as aforesaid, shall, after he or they shall be admitted into or enter upon any such preferment, benefice, office, or place, or come into such capacity, or take upon him or them such practice, employment, or business, as aforesaid, take and subscribe the said oath in the next term, in one of the said courts, or at the next general quarter sessions of the county, barony or place in the said kingdom where he or they shall reside, after he or they shall be admitted into or enter upon any such preferment, benefice, office, or place, or come into any such capacity, or take upon him or them such practice, employment, or business, as aforesaid.

3 W & M. c. 2. and all ecclesiastical persons, &c. Practisers of the law, &c.

VI. And be it further enacted, That all and every the person and persons aforesaid, that do or shall neglect or refuse to take the said oath, and subscribe thereunto in the said courts and places, and at the respective times aforesaid, shall incur, be subject and liable unto the forfeitures, penalties, and disabilities in the said first mentioned act expressed, for the neglect or refusal of the same, by any such person or persons in the kingdom of *England*.

Penalties on persons neglecting, &c.

VII. Provided, That nothing in this act contained shall extend to any person that now is, or at any time hereafter shall be, in *England*, who by virtue of this act ought to take the said oath, and subscribe thereunto in *England*, according to the said

Persons in England, or beyond sea, may take the oath after return.

said two first mentioned acts, nor to any person now beyond the seas, out of *England* and *Ireland*, or in her Majesty's service on board the fleet, so as such person do the next term, or the next general quarter sessions for the county, barony, or place where he shall reside, after his return into *Ireland*, take the said oath, and subscribe thereunto according to the appointment of this act.

Courts to administer the oath.

VIII. And be it further enacted, That it shall and may be lawful to and for the respective courts aforesaid, to give and administer the oath aforesaid to the said person and persons, and, upon due tender of any person or persons to take the said oath, the said courts are hereby required and enjoined to administer the same; of the taking and subscribing whereof the like register shall be kept, as by an act made in the five and twentieth year of King *Charles* the Second, was directed to be kept of the subscribing the declaration therein mentioned.

How register shall be kept.

Person by neglect, &c. forfeiting office, may be capable of a new grant, &c.

IX. Provided always, That any person, who by any neglect or refusal, according to this act, shall lose or forfeit any office, may be capable of a new grant of the said office, or of any other, and shall have and hold the same again, such person taking the said oath and subscribing thereunto, in such manner as aforesaid, so as such office be not granted to, or actually enjoyed by, some other person at the time of the re-granting thereof.

No peer of Ireland to sit in the house of peers.

X. And be it further enacted by the authority aforesaid, That from and after the five and twentieth day of *March*, one thousand seven hundred and three, no person that now is or shall be hereafter, a peer of the realm of *Ireland*, or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in the said house; nor any person after the said five and twentieth day of *March*, who shall be elected a member of the house of commons in that kingdom, shall be capable to vote in the said house, or sit there during any debate in the same, after their speaker is chosen; until such peer or member shall from time to time respectively take the said oath, and subscribe the same, at the same time, and in such manner as is directed for their making, subscribing, and repeating the declaration mentioned and expressed in the said act, intituled, *An act for abrogating the oath of supremacy in Ireland, and appointing other oaths*,

nor member of the house of commons capable to vote, until they take the oath, &c.
1W.&M.c.2.

Penalty.

XI. And be it further enacted, That if any person that now is, or hereafter shall be, a peer of the said realm of *Ireland*, or member of the house of commons there, shall, after the said five and twentieth day of *March*, presume to vote or make his proxy, not having taken the said oath, and subscribed the same, as aforesaid, every such peer and member shall from thenceforth incur, be subject, and liable unto the forfeitures, penalties, and disabilities in the said first mentioned act expressed, touching peers in parliament, and members in the house of commons in *England*.

XII. Provided always, That this act or any thing therein contained shall not extend to the office of any high constable, petty constable,

constable, tythingman, headborough, overseer of the poor, churchwardens, surveyors of the highways, or any like inferior civil office in the said kingdom of Ireland, or to any office of forrester, or keeper of any park, chase, warren, or game, or bailiff of any manor or lands, nor to any like private offices, nor to any person or persons having only any the before mentioned, or the like offices in the said kingdom.

Act not to extend to the office of any constable, &c.

C A P. XVIII.

An act for the more effectual preventing the abuses and frauds of persons employed in the working up the woollen, linen, fustian, cotton, and iron manufactures of this kingdom.

WHEREAS many frauds are daily committed by persons employed in the working up of the woollen, linen, fustian, cotton, and iron manufactures within this kingdom, by imbezzling and purloining of the materials with which they are intrusted, to the great prejudice of trade and commerce; be it therefore enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand seven hundred and three, if any person or persons employed in the working up the woollen, linen, fustian, cotton, or iron manufactures within this kingdom, shall imbezel or purloin any wefts, thrums, or ends of yarn, or any other materials of wool, hemp, flax, cotton, or iron, with which he, she, or they is or shall be intrusted to work upon, or shall reel short or false yarn, being thereof lawfully convicted by the oath of one or more credible witnesses or witnesses, or by the confession of the party or parties accused of the same, before one justice of the peace of the said county where such offence shall be committed, shall forfeit double the value of the damages done, for the use of the poor of the said parish: and in case the offender or offenders so convicted, as aforesaid, shall neglect or refuse to pay their forfeiture or forfeitures, as aforesaid, that then it shall and may be lawful for the said justice to cause the said offender to be committed to the house of correction, until satisfaction shall be made: and in case it shall appear to the said justice, that the said offender is not able to make satisfaction, then the said offender shall be there publicly whipped, and kept to hard labour for any time not exceeding fourteen days.

Penalty on persons employed in the woollen or linen manufactures, &c. and imbezeling the same.

II. And be it further enacted by the authority aforesaid, That every person or persons buying or receiving any wefts, thrums, or ends of yarn, or any other materials of wool, hemp, flax, cotton, or iron, and being thereof lawfully convicted, in manner as aforesaid, shall suffer the like penalties and forfeitures, as one convicted, pursuant to this act, for purloining and imbezeling of the said materials.

The like on persons buying, &c. such goods imbezelled.

III. And to prevent the oppression of the labourers and workmen employed in the woollen, linen, fustian, cotton, and iron

Labourers and workmen to be paid in money.

All wool to be brought shall be delivered out by weight.
Penalty.

How wages, frauds, &c. of labourers may be heard and determined.

Party aggrieved may appeal.

Act to continue for 3 years.

13 Geo. 3. c. 8.

manufacture, be it enacted by the authority aforesaid, payments and satisfactions hereafter to be made to the same labourers and workmen, for any work by them the same manufacture, shall be by the lawful coin of the land and not by any cloth, victuals, or commodities, in lieu and all wool delivered out to be wrought up, shall be delivered, with declaration of the true weight thereof, that every offender, in either of the said cases, shall for every such labourer or worker, double the value of what shall be due for such work by him, her, or them done; and every such labourer or worker shall be guilty of any such default in the work by him, her, or them done, then such labourer or worker shall allow and answer to the owner of the work double the damages thereby sustained.

IV. And be it further enacted by the authority aforesaid, That all wages, demands, frauds, and defaults of labourers in the woollen, linen, fustian, cotton, and iron manufacture, for or concerning any work done in the same manufacture, shall and may be heard and determined by any two justices of the peace of the county, riding, division, city, or town, or corporate, where the matter in controversy ariseth, who are hereby empowered to summon and examine witnesses or persons concerning the same: but in case any person shall think himself aggrieved by any judgment and order of the said justices, it shall and may be lawful for such person to appeal against the judgment and order of the said two justices, to the next session of the peace in the general quarter sessions of the peace, which shall be held for the same county, riding, division, city, or town, or corporate, next after notice of such order of the said two justices, and the justices of the peace in the said general quarter sessions are hereby empowered to summon and examine witnesses on oath, and to hear and finally determine the matter of the appeal; and in case the same justices, in the said general quarter sessions, shall give judgment against such appellant, then the same justices shall award and order to the party whose behalf the same appeal is determined, such reasonable costs and charges to be paid by such appellant, in regard to such appeal, as to the same justices shall seem meet.

V. Provided also, and be it further enacted, That this act shall continue for the space of three years, to be commencing from the said twenty fourth day of June, one thousand seven hundred and three, and from thence to the end of the next session of parliament, and no longer. *Made perpetual by 9 & 10 Geo. 3. c. 30.*

CAP. XIX.

- * W. & M. II. An act for taking, examining, and stating the publick accounts of the kingdom.
2. C. 11.
4 & 5 W. & M. Commissioners names for taking the accounts of the publick revenue.
c. 11. Commissioners to take account of all monies granted to the crown in
5 & 6 W. & M. 5 Nov. 1681. No money to be paid to the colonels, &c. of the Dutch
c. 23. forces, till Jacob Vanderesche paid his accounts. EXP.
6 & 7 W. 3. c. 9. 7 & 8 W. 3. c. 8. 1 Annæ, stat. 1. cap. 10. 3 W. & M. c. 6. CA.

CAP. XX.

an act for reviving and continuing the late acts for appointing commissioners to take, examine, and determine the debts due to the army, and for transport service, and also an account of the prizes taken during the late war. 11 W. 3. c. 8.
13 W. 3. c. 1.

Whatsoever commissioners determine to be due to each commission officer, &c. they shall certify the same to the paymaster of the forces, &c. and transmit a list of debentures to the Irish trustees. Colonels, agents, &c. to exhibit the accounts of regiments, garrisons, &c. not made up. Debentures to be made out for the debt due to owners of foreign transport ships, &c. Pay due to regiments who served in Ireland, &c. to be settled. Commissioners of prizes to make up their accounts. Debentures to be delivered to the earl of Ranelagh, late paymaster of the forces. Debts due to John Bingham and Katharine Dunbarr, &c. to be stated. E X P.

CAP. XXI.

An act for advancing the sale of the forfeited estates in Ireland, and for vesting such as remain unsold by the present trustees, in her Majesty, her heirs and successors, for such uses, as the same were before vested in the said trustees; and for the more effectual selling and setting the said estates to protestants; and for explaining several acts relating to the lord Bophin, and Sir Redmond Everard. 11 W. 3. c. 2.
1 Annæ, stat. 1.
c. 12.
1 Annæ, stat. 1.
c. 41. a private
act.

Trustees to apportion quit-rents, &c. Apportionments to be inrolled in the Exchequer in Ireland, &c. Manors, lands, &c. vested in the trustees, and not sold by 24 June, 1703. and all judgments, statutes, &c. shall be vested in the Queen, &c. After 24 June, 1703. all powers, &c. given to the trustees to cease, and all deeds, writings, &c. concerning the forfeited estates, to be delivered up. After 24 June, rents of the forfeited estates to be levied in the Queen's name, &c. and paid into the Exchequer in Ireland, &c. All sales, mortgages, &c. of estates, forfeited or restored, to be only to protestants. The persons disabled by 1 Annæ, stat. 1. c. 32. incapable of holding the said lands, &c. Purchase-money shall be paid into the Exchequer in Ireland. Time allowed trustees for conveying estates sold, &c. Leases, releases of such lands, &c. made in trust for any papist, &c. void. Person claiming benefit of such bargain, &c. subject to penalties, &c. and money given in consideration thereof recoverable. On payment of 2,000l. to the trustees, &c. all the manors, castles, lands, &c. of Sir John Everard, deceased, shall be vested in the duchess of Devonshire, &c. Subject to the trusts, &c. in the act. Trustees to raise 25,000l. by sale of the lord Bophin's estate, and pay the same into the Exchequer in Ireland.

CAP. XXII.

An act for preventing frauds in her Majesty's duties upon stamped vellum, parchment, and paper.

FOR prevention of several frauds, whereby her Majesty's duties, by the several acts of parliament in that behalf made, imposed on stamped vellum, parchment, and paper, have been very much lessened; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the five and twentieth day of *March*, in the year of our Lord one thousand seven hundred and three, if any clerk, officer, attorney, solicitor, or other person (to whom it shall appertain, or who shall be employed or intrusted to enter or file any action, plaint, bail, appearance, admission, or other matter or thing, in respect whereof

Penalty on clerk, &c. neglecting to enter or file any action, &c.

whereof any duty shall be payable by virtue of the said acts any of them) shall neglect to enter, file, or record the same by law the same ought to be entered, filed, or recorded, within the space of four months after such clerk, officer, attorney, licitor, or other person, shall have received any money, for in respect of the entry, filing, or recording of any such act of complaint, bail, appearance, admission, or other matter or thing, or shall have promised or undertaken to enter, file, or record the same, or shall neglect to enter, file, or record any such action, plaint, bail, appearance, or other matter or thing, before any subsequent, further, or other proceeding, matter or thing, in, upon, or relating to the same, shall be had, entered, filed, or recorded, or if any clerk, officer, attorney, solicitor, or other person or persons, shall, after the said five and twentieth day of *March*, one thousand seven hundred and thirty-eight, transact, enter, record, or file any such further or other proceeding, matter, or thing, subsequent and relating to such action, plaint, bail, or appearance, before the same shall have been duly entered, filed, or recorded, that then every such clerk, officer, attorney, solicitor, or other person so neglecting or offending, shall, for every such offence or neglect, forfeit the sum of twenty pounds, with full costs of suit; and further, That if any such record or entry, as aforesaid, shall (in or upon any such prosecution to be commenced or brought against any such clerk, officer, attorney, solicitor, or other person, for any offence against this act) be of itself any concluding evidence of the time that the same was made, written, entered, or filed, or supposed to be, but in such suit, or upon such prosecution, proof shall be admitted to be made of the time that the same was actually made, written, entered, or filed: provided, That nothing in this act contained shall extend, or be construed to extend, to oblige or compel any clerk, officer, or other person, to enter or file any appearance where any judgment is entered by confession of any thing in this act contained to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That if any person or persons, at any time after the said five and twentieth day of *March*, one thousand seven hundred and thirty-eight, shall write or ingross, or cause to be written or ingrossed, either the whole or any part of any writ, mandate, bond, affidavit, or other writing, matter, or thing whatsoever, in respect whereof any duty is payable by the said acts, or any of them, on the whole or any part of any piece of vellum, parchment, or paper whereon there shall have been before written any other writ, bond, mandate, affidavit, or other matter or thing, in respect whereof any duty was payable by the said acts, or any of them, before such vellum, parchment, or paper shall have been again marked or stamped according to the said acts, or shall fraudulently erase or scrape out, or cause to be erased or scraped out the name or names of any person or persons, or any sum, date, or other thing written in such writ, mandate, affidavit, bond, or other writing, matter, or thing, as aforesaid, or fraudulently cut, tear, or get off any mark or stamp from any piece of vellum,

or enter any subsequent proceeding, &c.

Explained by
§ ANNÆ, c. 19.
l. 29.

Such record to be no evidence of the time.
Proviso.

Penalty on ingrossing on any vellum, &c. whereon writ, &c. was before written, &c.

on erasing or scraping the same,

vellum, parchment, or paper, or any part thereof, with intent to use such stamp or mark for any other writing, matter, or thing, in respect whereof any duty shall be payable by virtue of the said acts, or any of them, that then so often, and in every such case, every person so offending in any of the particulars before mentioned, shall for every such offence forfeit the sum of twenty pounds, with full costs of suit.

or tearing off any mark, &c.
Enforced by 6 Geo. 2. c. 22. l. 56.

III. And it is further enacted by the authority aforesaid, That every person who shall (in or upon any suit or information which shall be commenced or brought upon or in pursuance of his act) be convicted of any the neglects or offences herein before mentioned, shall likewise incur all other forfeitures and disabilities which such offender should or would have incurred, if he had been convicted of writing contrary to the said acts, or any of them, the entry of any plaint or action, or any writ, bond, or other writing, matter, or thing on vellum, parchment, or paper, not marked or stamped according to the said acts, nor having any stamp or mark thereon resembling any of the marks or stamps in the said acts or any of them mentioned.

What other penalties offender shall incur.

IV. Provided always, and be it further enacted by the authority aforesaid, That no officer shall be subject to any the penalties, forfeitures, disabilities, or incapacities in this or any of the said former acts mentioned, for writing or causing to be written any of the matters or things aforesaid, in any book or roll without any marks or stamps thereon, which shall have been first shewn to and signed by the commissioners, for the time being, appointed to put the said acts in execution, or any three or more of them, or some officer or officers by them, or the major part of them, for that purpose authorized and empowered, to signify his or their leave or approbation, that the matters and things to be written in such book or roll may be therein written without any marks or stamps thereon, so as the person or persons, having the custody of such book or roll, do from time to time (when and as often as he or they shall be thereto required) permit the said commissioners, or any of them, or any officer or agent by them, or the major part of them, for that purpose appointed, to inspect and view such book or roll, and do also (from time to time, when and as often as he or they shall be thereto required by the said commissioners, or the major part of them, or any other by them or the major part of them authorized) pay unto the receiver general for the time being of the said duties, or such other officer or person as the said commissioners, or the major part of them, shall appoint to receive the same, all such sum and sums of money which, according to the true intent and meaning of the said acts, or any of them, ought to be paid, in respect of all and every such matters and things as shall be written in such book or roll; any thing herein or in any of the said former acts contained to the contrary thereof notwithstanding.

No penalty, &c. for things written in a book or roll, &c.

V. And be it further enacted by the authority aforesaid, That all writings, matters, and things (in respect whereof any of the

All writings, &c. to be said written either

on, or near
the stamps,
&c.

said duties shall be payable, and which shall be ingrossed written, after the said five and twentieth day of *March*, one thousand seven hundred and three) shall be written in such manner that some part thereof shall be either upon, or as near as conveniently may be to the stamps or marks, which shall (in pursuance of the said acts, or any of them) be placed on the vellum, parchment, or paper, whereupon the same shall be written or ingrossed, upon pain that the person who shall write, ingross, or cause to be written or ingrossed, any such writing, matter, or thing, contrary to the tenor and true meaning hereof, shall for every such offence forfeit the sum of ten pounds with full costs of suit.

Penalty.

Penalties how
to be disposed
of.

VI. And it is hereby further enacted by the authority aforesaid, That the one moiety of all the pecuniary forfeitures, penalties and penalties herein before mentioned, shall be to her Majesty, her heirs and successors, and the other moiety, with full costs of suit, shall be to any person or persons who shall inform or sue for the same, or any of them, in any court of record, by action of debt, bill, plaint, or information, wherein no effectual protection, or wager of law shall be allowed.

Allowance on
present pay-
ment of du-
ties.

VII. And whereas some doubts have arisen touching the allowance which, by virtue of the said former acts, ought to be made for present payment of the said duties; be it therefore declared and enacted by the authority aforesaid, That from and after the first day of *March*, one thousand seven hundred and two, there shall be allowed and paid to every person, who shall at any one time bring to be stamped, or buy of the said commissioners paper or parchment, the duties whereof shall amount to ten pounds or upward, after the rate of six pounds in the hundred pounds *per annum*, for six months, upon the present payment of the said duties, at the head office in *London* or *Westminster*, and not otherwise, nor any other allowance; any thing in the said former acts contained to the contrary notwithstanding.

Comptroller
of the duties
to pass an an-
nual account
of the gross
produce
thereof, &c.
Account how
to be made.

VIII. And to the end the said duties upon vellum, parchment, and paper, and all matters incident thereunto, may be fully and duly answered and accounted for, be it further enacted by the authority aforesaid, That the comptroller and accountant general of the said duties, for the time being, shall annually pass a general account in the court of *Exchequer*, of the gross produce of all the said duties: in which account there shall be charged all the monies becoming due to her Majesty, her heirs or successors, for all the stamps or marks, which shall be impressed or put upon any vellum, parchment, or paper, distinguishing those for which ready money is or shall be paid at the head office for the said duties in *London*, from those which shall be delivered over to be otherwise sold or distributed, and all the monies which shall arise to her Majesty, her heirs or successors, for penalties relating to the said duties, and all the monies which shall be paid by the registers of either of the two universities, or by any officers of the law, or others, for entries made in books, where the duty ought to be paid for every entry therein,

herein, and all the monies arising for vellum, parchment, and paper, which shall be delivered out by the commissioners of the said duties, or by their order, for the better accommodating her Majesty's subjects, so that the profits arising thereby, and the kinds and quantities so delivered out, may plainly appear in every such account; and all the monies which shall be secured by any bonds taken for the said duties, or any part thereof, and all other monies, matters, and things whatsoever, which ought to be charged in a general or gross account, for the said duties, within the time for which every such annual account ought to be made; and in the discharge of every such general account, here shall be comprehended all the monies which shall appear to have been duly paid or answered by the receiver general of the said duties, within the time of every such account, and all other salaries and incident charges which shall be duly allowed in or for the management of the said revenues, and all the discounts for prompt payments which shall be duly made out of the said duties, and all the monies which shall be actually paid for vellum, parchment, and paper, bought or provided by the said commissioners or their order, for accommodating her Majesty's subjects, so that the kinds and quantities of all the vellum, parchment and paper so provided, may also plainly appear in every such account, and all other matters and things, which by the course of the Exchequer ought to be discharged in an account of this nature.

What shall be comprehended in discharge of such general account.

IX. And is hereby enacted, That all the debts and arrears of the said duties, which at the end of every such account ought to be charged upon any receivers, distributors, or others, shall be duly set *in super*, upon the several persons chargeable therewith, to the end the same may be recovered by the ordinary process of the said court, unless the lord treasurer, or commissioners of the treasury for the time being, shall see cause to stay the said process against the said persons, or any of them, or giving them time to pay or answer such debts or arrears, or any of them, and to be discharged thereof in any subsequent account of such comptroller and accountant general, according to the due course of the said court.

Debts and arrears to be set *in super*.

X. And it is hereby also enacted, That the stocks of vellum, parchment, and paper, stamped or unstamped, which at the end of every such account ought to remain in her Majesty's warehouses, or elsewhere, shall also be set down and expressed at the foot of every such account; and that the first of the said general and annual accounts shall be for the year to end on the first day of *August*, one thousand seven hundred and three, and shall be delivered by the said comptroller and accountant general to the auditors of her Majesty's imprests and other accounts, before the five and twentieth day of *December*, one thousand seven hundred and three, and shall be sworn to by him to the best of his knowledge, and be followed and prosecuted by him in such manner, that the same shall not, by his negligence or default, remain unfinished in the court of *Exchequer*, beyond the

Stocks of vellum, &c. stamped or unstamped to be set down at the foot of such account. When annual accounts shall terminate.

the first day of *May*, one thousand seven hundred and four; that every subsequent annual account shall in like manner terminate on the first day of *August*, and be delivered to the auditors, or one of them, before the five and twentieth day of *December*, and prosecuted, so that the same may be finished before the first day of *May* yearly, during the continuance of said duties, under the penalty of forfeiting his office, and sum of one hundred pounds, one moiety thereof to the Queen and the other moiety to such person or persons who will sue or sue for the same, to be recovered in manner aforesaid.

Penalty.

Penalty on returning receiver, &c. *insuper* for monies paid.

XI. Provided always, That if any such comptroller and countant general shall wilfully and knowingly return any receiver, distributor, or other person, *insuper*, for any monies or stamps duly answered, paid, or accounted for by such receiver, distributor, or other person respectively, whereby he they shall sustain any damage or prejudice; then and in every such case, such comptroller and accountant general shall be able to answer and pay treble damages to the party grieved, to be recovered by action of the case, in any her Majesty's court of record at *Westminster*, with full costs of suit, in which action no effoin, protection, wager of law, or more than one imparlance shall be granted or allowed.

C A P. XXIII.

23 & 24 Car. 2. An act for raising the militia of this kingdom for the year one thousand seven hundred and three, notwithstanding the month's pay formerly advanced be not repaid.

c. 3.

If it be necessary, Queen may draw out the militia any time before June, 1704. notwithstanding the month's pay be not repaid. EXP.

Clauses in 10 & 11 W. 3. c. 12.

II. **A**ND whereas some doubts have arisen concerning one clause in another act made in the tenth and eleventh years of King William the Third, intituled, An act for raising the militia for the year one thousand six hundred ninety nine, although the month's pay formerly advanced be not repaid, relating to such persons as are contributors to the finding of horses, horsemen, arms, and foot soldiers and arms; be it enacted and declared by the authority aforesaid, That the said clause was intended to be and shall be deemed and taken to be perpetual.

10 & 11 W. 3. c. 12.

III. And whereas by virtue of a clause contained in the said act made in the tenth and eleventh years of the reign of King William the Third, intituled, An act for raising the militia for the year one thousand six hundred ninety nine, although the month's pay formerly advanced be not repaid, the lieutenant or lieutenants or in their absence three or more of the deputy lieutenants for the county, riding, division, or place where the estates of papists and reputed papists, or other persons refusing to take the oaths mentioned in an act of parliament made in the first year of King William and Queen Mary, intituled, An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths, when fully tendered to them, shall or do lie, are empowered to nominate and appoint such person or persons as they shall think most meet and proper to furnish or set forth one or more horses, horsemen, and arms;

1 W. & M. II. c. 8.

Soldiers and arms, for the same estates, and are impowered to charge the said estates with the payment of the yearly sums therein mentioned, to such person and persons as shall furnish and set forth the same, with such remedies for the recovery thereof, as are in the said clause expressed: and whereas some doubts have arisen concerning the said clause; be it therefore enacted and declared by the authority aforesaid, That the said clause in the said act made in the thirteenth and eleventh years of the reign of King William the Third, made perpetual, intended to be, and shall be deemed and taken to be perpetual.

IV. And be it further enacted, That the said lieutenants, or Trophymen, or deputies, shall not issue out warrants for the raising any Trophymoney.

such justices, till the justices of the peace, or the major part of such justices, at their several and respective general quarter sessions for their respective counties, ridings, divisions, and hundreds, shall have examined, stated, and allowed the accounts of the said money so raised, levied, and collected for the year then next and immediately preceding, and certified such examination of the said accounts, under the hands and seals of two or more such justices.

C A P. XXIV.

an act to oblige Edward Whitaker to account for such sums of publick money as hath been received by him. 13 W. 3. c. 1. EXP.

The End of the Tenth VOLUME.

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